VOLUME 2

STATUTES OF CALIFORNIA

1956 AND 1957

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
1956 GENERAL ELECTION

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

PASSED AT

THE 1956 REGULAR SESSION OF
THE LEGISLATURE

THE 1956 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE

AND

THE 1957 REGULAR SESSION OF THE LEGISLATURE



93—L-3546

CHAPTER 1401

An act to amend Section 20306 of the Government Code, relating to the State Employees' Retirement System.

[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 20306 of the Government Code is amended to read:

20306. Local safety members, forestry members, and members of the California Highway Patrol become and remain members of this system in the same manner as other eligible state officers or employees, except that when any such person sustains an industrial disability or death he is deemed, in respect to such industrial disability or death, to be a member while in state service, to the same extent as if the six months of service required of other eligibles prior to membership were completed prior to such disability or death.

Safety, forestry and highway patrol members

SEC. 2. This act shall become effective on the first day of the month next succeeding the ninetieth day after the adjournment of the 1957 Regular Session of the Legislature.

Operative date

CHAPTER 1402

An act to add Section 409.5 to the Penal Code, relating to the powers of peace officers to close areas in emergencies.

[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 409.5 is added to the Penal Code, to read:

409.5. Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California Highway Patrol, police departments or sheriff's office may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. Any person not authorized wilfully entering the area or wilfully remaining within the area after notice to evacuate shall be guilty of a misdemeanor.

Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the area closed pursuant to this section.

CHAPTER 1403

An act to amend Section 559 of, and to add Sections 631.5 and 631.6 to, the Agricultural Code, relating to the manufacture and sale of semifrozen milk drinks.

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 559 of the Agricultural Code is amended to read:

Requirements

559. The provisions of subdivisions (a) and (b) of Section 551, subdivision (a) of Section 552, subdivision (a) of Section 553, and Sections 464.5, 554, 555, and 556 of this code shall not apply to the manufacture of a milk drink when such product is manufactured from milk drink mix or sterilized milk drink mix in a freezing device from which it is served directly in a semifrozen state for consumption on the premises in or from rooms where food is served to the public. All milk drink mix or sterilized milk drink mix so used shall be secured from a licensed manufacturer of milk products Such a milk drink shall be delivered from freezing device at not less than 27 degrees Fahrenheit and shall then contain not less than 3.5 percent of butterfat and not more than 75,000 bacteria per gram. No milk or milk products other than market milk or market skim milk or market cream shall be combined with or added to milk drink mix or sterilized milk drink mix in the freezing device in the making of such milk drinks.

SEC. 2. Section 631.5 is added to said code, to read:

Milk drink mix

631.5. Milk drink mix is a market milk product. Milk drink mix shall contain no milk nor milk products other than market milk and milk products derived from market milk Milk drink mix shall contain not less than 12 percent total milk solids, not less than 4 percent butterfat, and not more than one-half of 1 percent of pure and harmless edible stabilizer and may contain sweetening and harmless flavoring and coloring. Milk drink mix shall be pasteurized. Each manufacturer of milk drink mix shall, upon request of the department, submit the names and delivery locations of all persons who receive milk drink mix from such manufacturer.

SEC. 3. Section 631.6 is added to said code, to read:

Sterilized milk drink mix

631.6. Sterilized milk drink mix is a milk product which has been subjected to a temperature high enough to sterilize the product. Sterilized milk drink mix shall contain not less than 12 percent total milk solids, not less than 4 percent butterfat, and not more than one-half of 1 percent of pure and harmless edible stabilizer and may contain sweetening and harmless coloring and flavoring. Sterilized milk drink mix shall be packaged by the manufacturer in sterile hermetically sealed metal containers. Each manufacturer of sterilized milk drink mix shall, upon the request of the department, submit the names and delivery locations of all persons who receive sterilized milk drink mix from such manufacturer.

CHAPTER 1404

An act to amend Section 34303.5 of the Government Code, relating to incorporations.

[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 34303.5 of the Government Code is amended to read:

34303.5. No petition seeking the incorporation of a new city may be circulated or filed with the board of supervisors, and neither the board nor the clerk of the board shall accept any such petition for filing, until the proposal for the incorporation of the new city, including a map and specific detailed legal description of the territory proposed to be incorporated, has been submitted to and reported upon to the proponents by the boundary commission of the county with respect to the definiteness and certainty of the proposed boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

If the boundary commission does not report upon the petition within 30 days after it is submitted to it, the petition shall be deemed correct.

CHAPTER 1405

An act to amend Section 15353 of the Health and Safety Code, relating to building permits.

[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 15353 of the Health and Safety Code is amended to read:

15353. The application shall be made upon forms to be furnished by the department and shall contain:

(a) The name and address of the applicant. If the applicant is other than the owner, then the application shall also include the name and address of the owner.

(b) The name and address of his architect or his contractor, if he has an architect or contractor.

(c) A detailed written statement of the work to be done.

CHAPTER 1406

An act to amend Sections 196 and 233 of the Code of Civil Procedure, Section 1143 of the Penal Code, and Section 72231 of the Government Code, relating to fees and allowances of trial and 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 1143 of the Penal Code is amended to read:

Criminal cases

1143. Unless a higher fee or rate of mileage is otherwise provided by law, the fees of jurors in the superior and municipal courts and justice courts of the State, in criminal cases, shall be five dollars ($5), in lawful money of the United States, for each day's attendance, and mileage, to be computed at the rate of fifteen cents ($0.15) per mile for each mile necessarily traveled in attending court, in going only. Such fees and mileage shall be paid by the treasurer of the county, or city and county, in which the juror's services were rendered, out of the general fund of said county, or city and county, upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county, or city and county, shall pay said warrants. The board of supervisors of each county, or city and county, is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

SEC. 2. Section 72231 of the Government Code is amended to read:

Municipal court jurors

72231. Unless a higher fee is otherwise provided by law, jurors in municipal courts shall be paid the fees provided to be paid to trial jurors in the superior court in the county or city and county in which any such municipal court is situated.

SEC. 3. Section 196 of the Code of Civil Procedure is amended to read:

Civil cases

196. Jurors' fees in civil cases, unless a higher fee or rate of mileage is otherwise provided by law, are for attending, as a grand juror or juror in the superior court or municipal court, for each day's attendance, per day, five dollars ($5), and for each mile actually traveled in attending court as a grand juror or juror in the superior or municipal court, in going only, per mile, fifteen cents ($0.15).

SEC. 4. Section 233 of the Code of Civil Procedure is amended to read:

Justice court jurors

233. Unless a higher fee or rate of mileage is otherwise provided by law, jurors' fees, for attending justice courts shall be, for each juror sworn, five dollars ($5) 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.

CHAPTER 1407

An act to amend Sections 4122, 4143, and 4147 of the Health and Safety Code, relating to garbage disposal districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957]

In effect immediately

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

SECTION 1. Section 4122 of the Health and Safety Code is amended to read:

4122. The title of all property which is acquired for a district vests in the county. Whenever all of the territory in the district is annexed or otherwise included in any one city, the district shall continue in existence until the legislative body of the city adopts and files with the governing body of the district a certified copy of a resolution requesting the dissolution of the district. Upon the filing of the resolution with the governing board of the district the district is dissolved and the property becomes the property of the city. All money in the county treasury to the credit of the district shall upon the annexation or inclusion of the district be forthwith transferred to the treasury of the city and be used only for the purpose for which it was available prior to the transfer.

Title to property

SEC. 2. Section 4143 of said code is amended to read as follows:

4143. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom as provided in this article.

Withdrawal

Any portion of a district annexed to or otherwise included in a city shall have a right to withdraw from the district and shall be withdrawn from the district upon there being filed with the board of supervisors a request by the legislative body of the city in which such portion of the district is included that such withdrawal be effected.

SEC. 3. Section 4147 of said code is amended to read:

4147. Upon the withdrawal of any territory from a district, as in this chapter provided, all property acquired for the district shall remain vested in the county and be used for the purposes of the district; except, when the territory being withdrawn or sought to be withdrawn from the district includes any territory within a city. All property acquired for the district and all unencumbered funds on the date of with drawal 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. The unencumbered funds shall be deemed to be the

Title upon withdrawal

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.

In the event there is a withdrawal of territory from a district by reason of portions of such district having been included within more than one city each city shall be entitled hereunder to the assets of the district, as set forth herein, in the same proportion that the assessed value of that portion of the district within the city bore to the assessed value of the entire district prior to the withdrawal.

Urgency

SEC. 4. 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:

Within the past year a number of new cities have been incorporated and proceedings are pending for the incorporation of several additional cities. The proximity of these newly incorporated areas and the areas in process is such that there is likely to be an inclusion of all the territory of a garbage disposal district in two or more cities. The law as it now reads does not cover such a contingency and unless this act is adopted there will be a confusion as to what political entity has jurisdiction over the district so included and the collection of garbage will be delayed. Further, unless this act is adopted there will be no means of properly apportioning assets of the district and the newly incorporated cities likely will not have sufficient funds available to provide the service of garbage collection. Therefore, it is necessary that this act take effect immediately.

CHAPTER 1408

An act to add Section 4.9 to the Solano County Flood Control and Water Conservation District Act (Ch. 1656 of the Stats. of 1951), relating to the Solano County Flood Control and Water Conservation District.

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 4.9 is added to the Solano County Flood Control and Water Conservation District Act, to read:

Sec. 4.9. The district shall have the power to lease, use, and occupy, for park and recreational purposes, lands owned by the United States which are a part of the Solano Project of the Bureau of Reclamation situated in the Counties of Solano, Napa, and Yolo and to sublease said lands for park and recreational purposes.

CHAPTER 1409

An act to add Section 23104.2 to the Business and Professions Code, relating to alcoholic beverages.

[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 23104.2 is added to the Business and Professions Code, to read:

23104.2. A retailer may return beer to the seller and the seller may accept the return thereof if the beer is returned in exchange for the identical quantity and brand of beer.

A seller may accept the return of beer from a seasonal or temporary licensee if at the termination of the period of his license he has beer remaining unsold.

CHAPTER 1410

An act to amend Section 23104 of the Business and Professions Code, relating to alcoholic beverages.

[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 23104 of the Business and Professions Code is amended to read:

23104. Any insurance company may, or any common carrier acting as an insurer for losses to persons shipping alcoholic beverages may, after permission has been granted by the department, take possession of and sell any alcoholic beverages the containers of which have been damaged by fire or otherwise to licensees who are authorized to sell the alcoholic beverages. Any licensee so qualified may purchase and accept delivery of the alcoholic beverages from the insurance company or common carrier so authorized to sell. This permission extends only to alcoholic beverages owned by a licensee and insured against loss or damage by the insurance company or common carrier applying for the permission. Alcoholic beverages so sold shall be labeled or otherwise identified, prior to and at the time of sale, as distress merchandise, salvaged from fire, wreck, or similar catastrophe.

CHAPTER 1411

An act to amend Sections 4276, 4277, 4329, 4330, 4351, 4353, 4356, 4357, 4358, 4405, and the title of Chapter 8 (commencing at Section 4350) of Part 4, Division 2 of, and to repeal Sections 4328, 4332, 4333, 4350, 4359, and 4360 of, the Water Code, relating to watermaster service, and making an appropriation.

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 4276 of the Water Code is amended to read:

Statements

4276. A certified copy of the statement for each service area shall be transmitted by the department prior to the fifteenth day of March of each year to the tax collector of each county in which any part of the service area is situated.

SEC. 2. Section 4277 of said code is amended to read:

Filing

4277. The certified copy sent to the proper tax collectors shall be filed by said officials in their respective offices and shall at all times during business hours be available for public inspection.

SEC. 3. Section 4329 of said code is amended to read:

Payment

4329. The association shall pay the total amount apportioned to it to the department on or before the first day of December next succeeding the receipt of the statement.

SEC. 4. Section 4330 of said code is amended to read:

Deposit

4330. The department shall deposit the money in the Water Resources Revolving Fund to the credit of the amount of the service area affected.

SEC. 5. The title of Chapter 8, Part 4, Division 2, of said code is amended to read:

CHAPTER 8. THE WATER RESOURCES REVOLVING FUND

SEC. 6. Section 4351 of said code is amended to read:

Accounts

4351. Separate accounts shall be established in the fund to the credit of the various service areas now in existence or hereafter created from time to time.

SEC. 7. Section 4353 of said code shall be amended to read:

Receipts

4353. At the time any payments are made to him as provided in this part the tax collector shall execute in quadruplicate a receipt for the amount so paid. The receipt shall refer to the statement by number or in some other manner sufficient to identify it. The tax collector shall deliver the original receipt to the person paying and one copy thereof to the department.

SEC. 8. Section 4356 of said code shall be amended to read:

Transfer of payments

4356. Each tax collector to whom any payments are made as provided in this chapter shall at least once each month

transmit the amounts so paid to him to the department for deposit in the fund. The department shall credit the payment on its books to the proper service area.

SEC. 9. Section 4357 of said code is amended to read:

4357. One-half of the expenditures for the supervision of the distribution of water in any service area shall be paid from that portion or account of the Water Resources Revolving Fund credited on the department's books to that service area, upon claims approved by the department and otherwise audited and approved as may be required in the case of other claims against the State. Expenses

SEC. 10. Section 4358 of said code is amended to read:

4358. Any money remaining in the watermaster service area accounts of the Water Resources Revolving Fund at the end of any year shall be available for use the following year for the respective service areas to which credited. Surplus

SEC. 11. Section 4405 of said code is amended to read:

4405. One-half of the cost of the work to be performed by the department in rendering watermaster service and incidental duties required under the order or decree shall be paid by the State and the other one-half shall be paid by the owners and deposited by the department as received from the respective owners. Department costs

SEC. 12. Sections 4328, 4332, 4333, 4350, 4359, and 4360 of said code are repealed. Repeals

SEC. 13. The State Watermaster Service Fund is abolished. The unencumbered balance in this fund shall be transferred by the State Controller on the effective date of this act, part to the General Fund and part to the Water Resources Revolving Fund, as determined by the Department of Water Resources and approved by the Department of Finance. Money so transferred to the Water Resources Revolving Fund is reappropriated for use under Part 4 (commencing at Section 4000), Division 2, of the Water Code without regard to fiscal year. Transfer of money from State Watermaster Service Fund

SEC. 14. This act shall become operative on January 1, 1958. Operative date

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CHAPTER 1412

An act to add Section 14746.7 to the Education Code, relating to relinquishment of allowances under local district retirement plans.

[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 14746.7 is added to the Education Code, to read:

14746.7. (a) Notwithstanding any other provisions of this division, any person who retired under a district retirement Relinquishment of allowances

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, from an employment in which he was a member of the State Teachers' Retirement System, and who is entitled to receive a retirement allowance from each of such plan and system, may elect without right of revocation, in writing on a form provided by such plan, and to be filed in the office of such plan not later than 90 days after the date upon which notice of the right to make such election is mailed by such plan to the retired person's latest address on file in the office of such plan, to relinquish his right to a retirement allowance from such district retirement plan. If such person so elects to relinquish such right, his retirement allowance under such plan shall be canceled effective at the close of the last day of the month in which such election is filed at such office, and no payment of such allowance shall be made to him, or on his account, for time after the effective date of cancellation.

(b) An amount equal to the actuarial equivalent of the annuity portion of the retirement allowance to which such retired person was entitled under such plan, based on the interest rate and mortality tables used in its determination at the time of retirement, shall be deposited in the Retirement Annuity Fund of such Teachers' Retirement System, to be applied on the amount due from such retired person under Section 14683 of this code, but not to exceed the amount so due. Any excess of the actuarial equivalent over the amount due under such section shall be paid forthwith to such retired person. Further amounts, if any, due under such section after such deposit, shall be paid to the Retirement Annuity Fund by such retired person.

(c) If such retired person elected under either such plan or such system, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, such person shall have the right, to be exercised not later than 60 days after the cancellation of his retirement allowance under such plan, to change his election under such system with respect to such options. Any computation of actuarial equivalents under a changed election shall be made as of the day next following such cancellation, and no adjustment shall be included in the computation on account of retirement allowance payments made for time prior to that day.

CHAPTER 1413

An act to create the Mono County Public Utilities District and prescribing the district's powers and duties.

[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. There is hereby created the Mono County Public Utilities District, the exterior boundaries of which district are described as follows:

Beginning at a point on the Inyo-Mono county line, being the range line common to Range 32 E. and 33 E., thence northerly along such range line to the northeast corner of Township 5 South, Range 32 East; thence westerly along such township line to the section corner common to Sections 32 and 33, Township 4 South, Range 32 East; thence northerly along such section line to the section corner common to Sections 32 and 33 of Township 2 South, Range 32 East; thence westerly along the south township line of Township 2 South to the section corner common to Sections 33 and 34, Township 2 South, Range 31 East; thence northerly along such section line to the section corner common to Sections 21, 22, 27, and 28, Township 1 South, Range 31 East; thence easterly along the south section line of Section 22 of the southeast corner thereof; thence northerly along the section line common to Sections 22 and 23, Township 1 South, Range 31 East to the north township line of Township 1 South, Range 31 East; thence easterly along such township line to the point of intersection with the California-Nevada state line; thence southeasterly along the California-Nevada state line to the western boundary of Range 33 East; thence southerly along the western boundary line of Range 33 East to the southeast corner of Township 2 South, Range 32 East; thence easterly along the northern boundary of Township 3 South to the section corner common to Sections 35 and 36, Township 2 South, Range 33 East; thence southerly along such section line to the point of intersection with the northern boundary of Township 5 South, Range 33 East; thence easterly to the northeast corner of Township 5 South, Range 33 East; thence southerly along the eastern boundary of Range 33 East, Township 5 South to the point of intersection with the Inyo-Mono county line; thence westerly along the Inyo-Mono county line to the point of beginning.

SEC. 2. The district shall be governed by a board of directors consisting of five members appointed from electors of the district by the Board of Supervisors of Mono County.

SEC. 3. All officers of Mono County, other than the board of supervisors, shall be ex officio the corresponding officers of the district.

SEC. 4. The district shall have all the powers and privileges granted a public utility district by Division 7 (commencing at Section 15501) of the Public Utilities Code and in addition may do all things necessary to providing electrical energy to consumers in the district.

SEC. 5. This act may be cited as the "Mono County Public Utilities District Act."

SEC. 6. The purposes of this act are impossible of accomplishment by general law because of special facts and circumstances applicable only to the area in which the district lies, and therefore special legislation is necessary.

The special facts are due to the remote geographic location of the area, separated as it is by natural barriers from the other principal portions of the State, and the unique conditions of its terrain, economy, and climate.

CHAPTER 1414

An act to add Section 9709 to the Education Code, relating to schools and classes in county institutions.

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 9709 is added to the Education Code, to read:

9709. Anything in this article to the contrary notwithstanding, whenever any county or city and county maintains a tuberculosis ward, hospital or sanatorium in another county of this State, the governing board of any school district of the county or city and county maintaining such institution, if authorized to maintain classes for adults, may establish and maintain such classes in such institution for pretuberculous, tuberculous, and convalescent minors and adults, and the attendance of pupils in the classes shall be credited to the district maintaining the classes.

CHAPTER 1415

An act to amend Section 24370.2 of the Health and Safety Code, relating to air pollution.

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 24370.2 of the Health and Safety Code is amended to read:

24370.2. On or before the fifteenth day of June of each year, the board shall inform the boards of supervisors of each

county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

CHAPTER 1416

An act to add Section 7713.1 to the Education Code, relating to school district public works.

[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 7713.1 is added to the Education Code, to read:

7713.1. Notwithstanding any provision of this chapter to the contrary, no school district shall be required, except as provided in this section, to contribute toward the cost of a project for which an application for an apportionment is filed, any of the following funds of the district:

(a) Amounts in the general fund of the district which are apportionments from the State School Fund.

(b) Amounts in the general fund of the district which are the proceeds of a tax levy and have not been earmarked by the governing board of the district or the electors of the district for any purposes for which school district bonds may be issued and sold.

In considering an application for an apportionment the board may review the purposes for which the district has expended or encumbered proceeds from the sale of district bonds authorized to be issued at an election held on or after September 3, 1952. Upon a finding by the board that any such proceeds have been expended or encumbered for purposes outside the scope and intent of this chapter, the board may require the district to contribute toward the project for which an apportionment is sought from any funds of the district, except those referred to in subdivision (a) above, an amount equal to the amount of district bond proceeds expended or encumbered for purposes outside the scope and intent of this chapter.

CHAPTER 1417

An act to amend Section 602 of the Vehicle Code, relating to driving a motor vehicle.

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 602 of the Vehicle Code is amended to read:

602. Limitation on Driving Hours for Certain Persons. (a) No person shall drive upon any highway any vehicle designed or used for transporting persons for compensation for more than 10 consecutive hours nor for more than 10 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 10 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(b) No person shall drive upon any highway any vehicle designed or used for transporting merchandise, freight, materials or other property for more than 12 consecutive hours nor for more than 12 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 12 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(c) This section does not apply to any person driving any vehicle used in the transportation of persons or property as a common carrier for compensation.

(d) This section does not apply in any case of casualty or unavoidable accident or an act of God.

(e) In computing the number of hours hereunder, any time spent by a person in driving such a vehicle outside this State shall, upon such vehicle entering this State, be included.

(f) Any person who violates any provision of this section is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense.

CHAPTER 1418

An act to amend Sections 53661, 53663, and 53671 of, and to add Section 53669.5 to, the Water Code, relating to reclamation 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. Section 53661 of the Water Code is amended to read:

53661. The board may file with the board of supervisors a petition to include the lands within the district upon: Petition for inclusion of land

(a) Receipt of an application as described in Section 53660; or

(b) Determination by the board that land in compact form, capable of being embraced in the district and not a part of another district, is presently receiving direct benefits from the reclamation works of the district.

SEC. 2. Section 53663 of said code is amended to read:

53663. There shall be attached to, and made a part of, the petition either or both of the following: Contents of petition

(a) A written request to have the lands included within the district, and a consent to the statements contained in the petition signed by the owners of the lands making the request to have their lands included in the district.

(b) A determination by the board that the lands proposed to be included within the district are presently receiving direct benefits from the reclamation works of the district.

SEC. 3. Section 53669.5 is added to said code, to read:

53669.5. Notwithstanding any other provision of this article, no owner of land included in a district pursuant to a petition filed under subdivision (b) of Section 53661 shall be required to pay any sums upon calls on assessments theretofore made and paid upon other lands in the district, except for calls made during the year in which the petition was filed under assessments for operation and maintenance. Assessments

SEC. 4. Section 53671 of said code is amended to read:

53671. The board of supervisors, at its first regular meeting following the expiration of 30 days from the date of its order granting the petition, shall make its order including the parcels within the district, and shall include in the order a description of the exterior boundaries of the district after the inclusion of the lands. Boundaries

CHAPTER 1419

An act to add Section 18704.1 to the Education Code, relating to personal property of school 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 18704.1 is added to the Education Code, to read:

18704.1. The governing board of any school district may enter into contracts with manufacturers or suppliers for the exchange of household appliances and equipment belonging to the district and used for instructional purposes for new property of like class and kind for a similar use without advertising for or taking bids; provided, the cost to the district for such exchange shall not exceed the excess, if any, of the manufacturer's or supplier's selling price of the new property over the original cost to the district of the property being disposed of by the district, plus any applicable tax.

CHAPTER 1420

An act to amend Sections 4311 and 4327 of, and add Section 4316.1 to, the Agricultural Code, relating to stabilization and marketing of milk.

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 4311 of the Agricultural Code is amended to read:

Stabilization and marketing plan

4311. Before any stabilization and marketing plan may provide for a sales stimulation and consumer educational program, not less than sixty-five (65) percent of the total number of producers, including members of producers' cooperative marketing associations, whose major interest in fluid milk is in the production of fluid milk for the marketing area and who produced not less than sixty-five (65) percent of the total volume of fluid milk consumed in such marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan for such marketing area. For the purpose of determining the number of producers other than members of a cooperative marketing association as required by this section the director shall consider those producers for whom contracts required by subdivision (e) of Section 4280 have been filed with the director and with respect to producers who are members of a cooperative marketing association the director shall consider all of

such producers whose major interest is in the production of fluid milk for marketing through such cooperative marketing association in such marketing area; provided, that if the production of any producer is shipped, handled, or distributed in such manner that the marketing area in which such producer has his major interest, as hereinabove provided, cannot be ascertained by the director with reasonable certainty, then such marketing area shall be conclusively deemed by the director to be that marketing area in which is located the milk plant where such production is first received by any distributor or by any cooperative marketing association. In determining whether such petition has been signed by the required number of producers in accordance with this section, the director shall consider the approval of any nonprofit agricultural cooperative marketing association which is authorized by its members so to petition, as being the petition of the producers who are members of, or stockholders in, such nonprofit agricultural cooperative marketing association. If such a program is requested by distributors it shall be necessary that not less than sixty-five (65) percent of the total number of distributors and who distribute not less than sixty-five (65) percent of the total volume of fluid milk for consumption in the marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan.

SEC. 2. Section 4316.1 is added to said code, to read:

Assessments

4316.1. In determining assessments payable under Sections 4314, 4315 and 4316, there shall be excluded from such computations all fluid milk sold to retailers or consumers outside the marketing area in which such program is effective and any other fluid milk which the director shall determine is sold to such persons or under such circumstances that the sale, distribution, or consumption thereof is not influenced or affected by such program.

SEC. 3. Section 4327 of said code is amended to read:

Election

4327. Upon the expiration of the period during which ballots may be received the department shall determine the result. If the program affects producers only the affirmative vote of not less than 65 percent of the producers eligible to vote pursuant to Section 4311 and voting on a question is required in order that the change may be made effective. If the program affects distributors only the affirmative vote of not less than 65 percent of the distributors voting on the question is required in order that the change may be made effective. If the program affects both producers and distributors the affirmative vote of each as above provided shall be necessary.

CHAPTER 1421

An act to amend Section 18901 of the Government Code, relating to state officers and employees.

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 18901 of the Government Code is amended to read:

Promotional eligible lists

18901. (a) The board may remove all names from open and promotional eligible lists after they have remained thereon for more than one year from the date of the adoption of the lists that created their eligibility, and shall remove all names from lists of eligibles not later than four years after the adoption of the lists that created their eligibility.

Whenever an open or a promotional eligible list has fewer than three names of persons who are willing to accept employment, all names on the list may be removed even though one year has not elapsed from the date of the adoption of the list.

(b) When a list of eligibles becomes exhausted for temporary or permanent employment before the legal expiration of the list, and a new list of eligibles for the same class is created by examination to supply the demands of the service, such new list shall become a part of the list of eligibles to be certified to the positions covered by the list. Those holding places on the prior list shall be given preference for appointment until such time as the prior list may automatically expire or all names are removed therefrom by action of the board. When the prior list has expired by reason of limitation of time, or the names have been removed therefrom by order of the board, then certification shall be made solely from the latter list.

(c) The board shall include in the announcement of any examination that the list of eligibles secured thereby will expire not less than one but less than four years after the adoption of such list.

(d) The board may make changes in its records to correct clerical errors both before and after the announcement of an eligible list; provided, that any changes of rank, or addition or subtraction of names, made on lists of eligibles because of clerical errors or reratings, shall not change the date of the adoption of such lists, nor give to any persons the right to claim beginning date of eligibility other than the date of the adoption of the original eligible list that created their eligibility.

CHAPTER 1422

An act to amend Section 3081.1 of the Civil Code, relating to loans secured by real property.

[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 3081.1 of the Civil Code is amended to read:

3081.1. Every person, other than a lender, who, for compensation payable by a borrower either directly or from the proceeds of a loan, negotiates a loan to be secured by real property must, before the borrower becomes obligated to complete the loan, deliver to the borrower a statement in writing, containing all the information required by Section 3081.2. It shall be personally signed by the borrower, and by the person negotiating the loan, or his authorized representative. The person negotiating the loan, or his authorized representative, in said statement shall certify that the loan is being made in compliance with the provisions of this chapter. When so executed, an exact copy thereof shall be delivered to the borrower at the time of its execution. The person negotiating the loan shall retain on file for a period of three years after the original date fixed for termination of the note a true and correct copy of such statement as signed by the borrower.

No person in connection with or incidental to the making of any loan regulated by this chapter shall induce, require or permit such statement to be signed by a principal to the transaction if such statement contains any blank portions required by subdivision (a), (b), (e), (f), (g), (h), (i), (j) or (k) of Section 3081.2.

CHAPTER 1423

An act to amend Section 3081.3 of the Civil Code, relating to loans secured by real property.

[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 3081.3 of the Civil Code is amended to read:

3081.3. The maximum amount of total costs and expenses, charges, and interest to be paid on any note executed under this chapter shall be as follows: Maximum costs, etc

(a) The total amount of all costs and expenses referred to in paragraph (a) of Section 3081.2 which are to be paid by the borrower shall not exceed four percent (4%) of the principal amount of the note or one hundred twenty dollars

($120), whichever is greater, but in no event to exceed two hundred fifty dollars ($250), and not exceeding costs and expenses paid, incurred or earned. If the total amount of the costs and expenses exceeds the estimated amount in the statement furnished to the borrower, the person negotiating the loan shall so inform the borrower in writing and the borrower may withdraw from the transaction, subject, however, to the borrower's obligation for actual costs and expenses theretofore incurred or paid to persons other than the person negotiating the loan.

(b) The total amount of the charges referred to in paragraph (b) of Section 3081.2 shall not exceed the following amounts:

1. In the case of a loan secured in whole or in part by a first mortgage or first trust deed, five percent (5%) of the principal amount of the note referred to in paragraph (e) of Section 3081.2 where the term of the loan is for a period of less than three (3) years or ten percent (10%) where the said period is for three (3) years or more.

2. In the case of a loan secured in whole or in part by a mortgage or trust deed, other than a first mortgage or first trust deed, five percent (5%) of the principal amount of the note referred to in paragraph (e) of Section 3081.2 where the term of the loan is for a period of less than two (2) years, ten percent (10%) where the term of the loan is for a period of two (2) years but less than three (3) years, and fifteen percent (15%) where the term of the loan is for a period of three (3) years or more.

3. If before the date of maturity of the loan, the borrower obtains an additional sum or advance of money on the note, the allowable charges on such additional sum shall not exceed the charges applicable to a new loan for the remainder of the term of the note or any extension thereof.

(c) No loan secured by real property shall be made which provides for payment of interest in excess of ten percent (10%) per year as provided by Section 22 of Article XX of the California Constitution, and as implemented by the Statutes of 1919, page LXXXIII, known as the "Usury Law."

(d) No loan secured by real property shall be made under this chapter which provides for payment of interest to cover any period prior to the date that the proceeds of the loan are made available by the lender to the borrower or are deposited in escrow.

CHAPTER 1424

An act to add Section 3081.922 to the Civil Code, relating to loans secured by real property.

[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 3081.922 is added to the Civil Code, to read:

3081.922. No person shall advertise, print, display, publish, distribute, telecast or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, televised or broadcast, in any manner any statement or representation with regard to the rates, terms, or conditions for making or negotiating loans, which is false, misleading, or deceptive.

CHAPTER 1425

An act to amend Section 5005 of, and to add Section 5005.5 to, the Elections Code, relating to character attacks on candidates for public office.

[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 5005 of the Elections Code is amended to read:

5005. Every person is guilty of a misdemeanor who writes or causes to be written, printed, posted, or distributed, any circular, pamphlet, letter, or poster which is designed to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, the name and address of the printer, and either:

Character attacks

(a) The name and address of the chairman and secretary or the names and addresses of two officers at least of the political or other organization issuing it.

(b) The name and residence, with the street and number thereof, if any, of some voter of this State, who is responsible therefor.

SEC. 2. Section 5005.5 is added to said code, to read:

5005.5. Any circular, pamphlet, letter, or poster issued or distributed in violation of Section 5005 of this code is conclusively presumed not to be a privileged communication within the meaning of Section 47 of the Civil Code.

Conclusive presumption

CHAPTER 1426

An act amending Section 25460 of, and adding Section 25467 to, the Government Code, relating to county contracts.

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 25460 of the Government Code is amended to read:

Repair etc., contract alteration

25460. Whenever the board enters into a contract for the erection, construction, alteration, or repair of any public building or other structure, the contract shall not be altered or changed in any manner, except:

(a) As provided in Section 25466, or

(b) As provided for in the contract itself, or specifications, or

(c) By order adopted by a vote of two-thirds of the board, and the consent of the contractor.

SEC. 2. Section 25467 is added to the Government Code, to read:

Provisions for extra work, etc.

25467. The board may cause the insertion of provisions in any contract for the erection, construction, alteration, or repair of any public building or structure, or in the specifications therefor, for the performance of such extra work and the furnishing of materials therefor by the contractor as the board, county engineer, or other duly authorized officer requires for the proper completion or construction of the whole work contemplated.

CHAPTER 1427

An act to amend Sections 778 and 780 of the Welfare and Institutions Code, relating to constructive service in a proceeding to declare a person free from custody and control of his parents.

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 778 of the Welfare and Institutions Code is amended to read:

Service when parents nonresident or residence unknown

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 in a newspaper to be named and designated as most likely to give notice to the father or mother to be served once a week for four successive weeks. 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. Service is complete upon the making of such personal service or at the expiration of the time prescribed by the order for publication, whichever event shall first occur.

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:

SEC. 2. Section 780 of said code is amended to read:

780. 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. Service is complete upon the making of such personal service or at the expiration of the time prescribed by the order for publication, whichever event shall first occur. The time stated for the appearance of the parents in a citation so served shall not be less than 30 days after the completion of such service.

Personal service when publication ordered

CHAPTER 1428

An act to add Chapter 3, commencing at Section 4250, to Title 4 of Part 3 of the Penal Code, relating to blood donations by prisoners.

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. Chapter 3 is added to Title 4 of Part 3 of the Penal Code, to read:

CHAPTER 3. BLOOD DONATIONS

Application

4250. This chapter applies to prisoners confined in city, county, or city and county jails under a sentence of 30 days or more.

Blood donations

4251. Any prisoner, to whom this chapter applies, may voluntarily donate blood to a blood bank duly licensed by the State Department of Public Health. Prior to blood donation the prisoner shall be examined by a physican and surgeon of the blood bank to whom blood is to be donated, and donations shall be refused unless such physician shall find the prisoner to be a suitable person for blood donation. No more than one such donation shall be permitted during any 90-day period.

Reduction of confinement period

4252. For each blood donation accepted by a blood bank from a prisoner, five days shall be deducted by the person in charge of the jail from the prisoner's period of confinement.

CHAPTER 1429

An act to add Section 5013.5 to the Public Resources Code, relating to the State Park System.

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 5013.5 is added to the Public Resources Code, to read:

5013.5. The State Park Commission may, by resolution, abandon all of the right, title, and interest of the State of California in and to the right of way for a term of 100 years from September 11, 1905, acquired by the State by deed dated June 1, 1943, recorded in Book 61 of Deeds, page 147, Records of Del Norte County, California, and described in a conveyance by Frank Hussey to The Del Norte Company, a corporation, by deed dated September 11, 1905, recorded in Book B of Agreements, page 156, Records of Del Norte County, California, to be " * * * a right of way 30 feet in width on the

lands of said Hussey bordering the edge of the timber sold by said Hussey to said Del Norte Company * * * solely for the purpose of removing the logs and other timber from the tract of land belonging to the said Del Norte Company and such other lands adjoining as it may hereafter acquire and for the purpose of doing such other things as may be necessary or convenient in the removing of said timber of various sorts and shapes."

CHAPTER 1430

An act to amend Section 1 of Chapter 1939 of the Statutes of 1955, relating to certain lands lying under inland navigable waters situated in the San Joaquin River.

[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 1 of Chapter 1939 of the Statutes of 1955 is amended to read:

Section 1. There is hereby granted to the City of Antioch, State of California, and to its successors, all the right, title and interest now held by the State of California by virtue of its sovereignty in and to all of the tide and submerged lands in the San Joaquin River and fronting on the City of Antioch, more particularly described as follows:

Beginning at the point where a line running directly north from the monument at the southeast corner of the intersection of Wilbur Avenue and A Street intersects the ordinary high-water mark; thence continuing north on said line into the San Joaquin River to where it intersects the common boundary of Contra Costa and Sacramento Counties; thence downstream in the San Joaquin River along said common boundary to where the west line of O Street in the City of Antioch extended meets said common boundary; thence southerly along said west line of O Street extended to a point of intersection with the ordinary high-water mark of the San Joaquin River; thence easterly along said ordinary high-water mark to the point of beginning, excepting from the foregoing any sovereign lands heretofore sold validly by the State of California.

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 for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges, except that there is hereby reserved to the State of California during the term or any extension thereof, the jurisdiction and all revenues payable to the State under that certain lease between the State of California and John J. Rodgers, dated May 21, 1953 (P.R.C. 805.1).

(b) That said lands shall be substantially improved by said city within 10 years of the effective date of this act without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the city has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(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 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 or for other state purposes, including small boat harbors, without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interests.

CHAPTER 1431

An act to add Section 188 to the Vehicle Code, relating to the reporting of vehicle sold as salvage.

[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 188 is added to the Vehicle Code, to read:

188. Report of Vehicles Sold as Salvage. (a) Whenever a vehicle subject to registration is sold as salvage as a result of a total loss insurance settlement, the insurance company or its authorized agent shall within 10 days from settlement of the loss with its insured, forward the endorsed ownership certificate or other evidence of title to the department at its headquarters office.

(b) Upon sale of the salvage vehicle the insurance company shall issue a bill of sale to the purchaser on a form to be prescribed and supplied by the department. The department shall accept such bill of sale in lieu of the ownership certificate or other evidence of title for purposes mentioned in Divisions 3 and 6 of this code when accompanied by an appropriate application or other documents and fees as therein required.

(c) When the salvage vehicle is rebuilt and to be restored to operation, the vehicle shall not be licensed for operation or the ownership thereof transferred until there is submitted to the department with the prescribed bill of sale an appropriate application, other documents and fees required, and a certificate of inspection signed by an employee of the department attesting to its mechanical fitness and safety.

(d) When a total loss insurance settlement between the insurance company and its insured results in the retention of the salvage vehicle by the insured, the insurance company or its authorized agent shall within 10 days from the date of settlement notify the department of such retention by its insured upon a form to be prescribed and supplied by the department.

CHAPTER 1432

An act to amend Section 5843 of the Streets and Highways Code, relating to the Improvement Act of 1911.

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 5843 of the Streets and Highways Code is amended to read:

5843. Notice of the hearing on the resolution shall be given to the persons within the existing maintenance district in the manner prescribed in Section 5838, except that no mailed notice shall be required with respect to additional improvements for a lighting maintenance district where the annual cost to such district of such additional improvements is less than two thousand five hundred dollars ($2,500). At the hearing the board of supervisors shall hear and pass upon any and all protests to the maintaining and operating of such additional improvements by the existing maintenance district and its decision shall be final and conclusive. At the conclusion of the hearing the board of supervisors may by order, entered upon its minutes, make the expenses of maintaining and operating such additional improvements a charge upon the existing maintenance district.

CHAPTER 1433

An act to add Section 30701.6 to, and amend Section 31100 of, the Water Code, relating to county 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 30701.6 is added to the Water Code, to read:

Vacancy

30701.6. If the election of directors is consolidated with the direct primary election, in lieu of changing the terms of the offices of director as provided in Section 30701.5, the board of directors may appoint a director to fill any office of director the term of which expires prior to the date of the consolidated primary election at which the director is to be elected. The director so appointed shall hold office until his successor is elected and qualified. Directors elected at such a consolidated election shall take office at the same time provided by the Government Code for county officers and shall hold office for four years.

This section does not affect the provisions of Section 30701.5 relating to the election of directors when a candidate does not receive a majority of all the ballots cast for candidates of the

office at the consolidated primary election except that an appointed director shall remain in office until his successor is elected and qualified, nor to the conducting or canvassing of returns of such a consolidated election.

SEC. 2. Section 31100 of said code is amended to read:

31100. A district may acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the district and its inhabitants and may contract with any public agency including but not limited to sanitation districts for sewer outfall facilities. Sewage, etc., facilities

CHAPTER 1434

An act to amend Section 9355 and to repeal Section 9355.05 of the Government Code, relating to membership in the Legislators' Retirement System.

[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 9355 of the Government Code is amended to read:

9355. Any member of the Senate or Assembly may file with the board at any time during incumbency in such office, a written election to become a member of this system. Upon the filing of the election he becomes a member of this system on the first day of the month following the filing of the election. Legislators

SEC. 2. Section 9355.05 of said code is repealed. Repeal

CHAPTER 1435

An act to amend Sections 40 and 49 of, and add Section 51.1 to, the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage 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. Section 40 of the Drainage District Act of 1903 is amended to read:

Sec. 40. The board of directors must, on or before the first meeting of the board of supervisors in September of each year, furnish the 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 and may add thereto a sum suf-

ficient to provide funds for necessary expenditures during the next succeeding fiscal year, prior to the time when the first installment of taxes for such succeeding fiscal year shall be collected and apportioned, and also to include in any year a sum to be placed in a sinking fund to pay the principal of bonds outstanding. This amount must be sufficient to raise the annual interest on the outstanding bonds, to create a reserve fund as may be provided by contract or under the terms and conditions of any issue of bonds, to be used to pay bond principal and interest, to pay the estimated cost of repairs, the incidental expenses of the district, the cost of repairing, maintaining, altering, or adding to an existing system of drainage works, and in any year in which any bonds shall fall due, an amount sufficient to pay the principal of the outstanding bonds as they mature.

SEC. 2. Section 49 of said act is amended to read:

Sec. 49. After adopting a plan for such conduits, drains, pumping plants, water gates and other works as in this act provided for, the board of directors shall give notice by publication thereof not less than 20 days in one newspaper published in each of the counties composing the district (provided, a newspaper is published therein) and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications, can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed shall be opened in public; and as soon as convenient thereafter the board shall let said work, whether in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded, or the board may reject any or all bids, and may readvertise for proposals. 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 50 percent of the amount of the contract price, conditioned for the faithful performance of the contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Contracts under this section calling for an expenditure of less than two thousand dollars ($2,000) may be let without bid.

SEC. 3. Section 51.1 is added to said act, to read:

Sec. 51.1. Money may be transferred from the General Fund to the construction fund for the purpose of repairing, maintaining, altering, or adding to an existing system of drainage works.

CHAPTER 1436

An act to add Section 16078 to the Education Code, relating to expulsion of students from 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 16078 is added to the Education Code, to read:

16078. The governing board of any school district may suspend or expel a pupil whenever it is established to the satisfaction of the board that the pupil has on or near the school premises used, sold, or been in possession of narcotics.

CHAPTER 1437

An act to free certain land from the public trust for navigation and fisheries, and providing for empowering the State Lands Commission to sell such land.

[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. It is hereby determined that the following described land lying between Eureka and Arcata, Humboldt County, California, and being a part or parcel of the property known as Bracut, is no longer necessary or useful for navigation or fisheries and such land is hereby freed from the public trust for navigation and fisheries:

All that real property in the County of Humboldt, State of California, described as follows:

That portion of Section 8, Township 5 North, Range 1 East, Humboldt Meridian, which lies east of the easterly line of State Tide Land Survey No. 120, as said survey is described in the patent to V. Schroeder dated April 5, 1934, and recorded in Book 24 of Patents page 336, Humboldt County Records; and west of the westerly line of the established right of way of Northwestern Pacific Railroad Company.

Excepting therefrom, however, that portion thereof lying with Swamp and Overflow Survey No. 64 as described in patent from State of California to George Carson and Skiffington Carson dated January 23, 1874, and recorded in Book 3 of Patents page 172, Humboldt County Records.

SEC. 2. The owner or owners of the land abutting on the land described in Section 1 shall, upon application to the State Lands Commission, be the preferred purchasers, for a period of one year, of said described lands, and the State Lands Commission is empowered to enter into an agreement

for the sale to such abutting land owner or owners of all right, title and interest of the State of California in and to said described lands as the commission shall determine, and, upon payment to the commission of the consideration specified in such contract, a patent shall issue to said owner or owners in the manner and with the effect provided in Sections 7729 and 7730 of the Public Resources Code.

CHAPTER 1438

An act to amend Section 18661 of the Education Code, relating to real property of school 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 18661 of the Education Code is amended to read:

18661 The governing board of any school district may sell, exchange, grant or quitclaim all or any of its interest in, or may lease for a term not exceeding 99 years, to the State, or to any county, city and county, city or special district, or to any other school district except in cases included within Article 3 of this chapter, any real property belonging to the school district, and which is not or will not at the time of delivery of title or possession be needed for school classroom buildings by the district owning it, as provided in this article.

CHAPTER 1439

An act to add Section 65.1 to the Drainage District Act of 1903 (Ch. 238, Stats. 1903), relating to drainage 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 65.1 is added to the Drainage District Act of 1903 (Ch. 238, Stats. 1903), to read:

Sec. 65.1. Proceedings to exclude acreage or lots within the corporate limits of a city may be instituted by resolution of intention of the board of directors, describing such territory proposed to be excluded

Such a resolution is equivalent to a petition and the board of directors are the petitioners for purposes of Sections 66, 67, and 68.

In exclusion proceedings instituted pursuant to this section, notice of the proposed exclusion may be given by publishing said resolution of intention one time, not less than 10 days

prior to the date of hearing on said resolution, in a newspaper of general circulation published in the county in which the territory proposed to be excluded is located, or notice may be given by publishing or posting said resolution pursuant to Section 66.

In exclusion proceedings instituted pursuant to this section, evidence or proofs introduced in support of the exclusion at the hearing of said resolution of intention need not be taken down in shorthand or a record made thereof pursuant to Section 67.

CHAPTER 1440

An act to add Sections 3.2 and 27.7 to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), relating to the Contra Costa County Flood Control and Water Conservation District.

[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 3.2 is added to the Contra Costa County Flood Control and Water Conservation District Act, to read:

Sec. 3.2. In determining the boundaries of complete watersheds and subzones within such watersheds, the board may consider and include lands immediately adjacent and contiguous to the watershed which will be benefited by being made a part of such watershed zone or subzone.

In establishing boundary lines for watershed zones and subzones, the board and the county boundary commission may, in the interests of convenience and the certainty of the boundaries, adopt boundary lines established by the county assessor for the purpose of making assessments on real property; provided, however, that if a parcel of land under a single ownership of record consists of more than 10 acres, there shall be a division of such parcel for the purpose of having the boundary of the watershed zone or subzone lie as closely as is practicable to the actual watershed line.

SEC. 2. Section 27.7 is added to said act, to read:

Sec. 27.7. Whenever the board determines that a zone has been formed and the boundaries thereof are not contiguous with the watershed line, and a new zone in the same area has been declared formed, the board may, upon giving the notice specified in Section 11 of this act, declare the first formed zone dissolved. Upon such dissolution, the territory contained within the zone first formed shall remain liable for any outstanding contract of such zone, or any bonded indebtedness which may have been voted in such zone.

CHAPTER 1441

An act to amend Section 2204 of the Education Code, relating to the powers and duties of governing boards of school 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 2204 of the Education Code is amended to read:

2204. The governing board of any school district shall:

(a) Prescribe and enforce rules not inconsistent with law or with the rules prescribed by the State Board of Education, for its own government, and for the government of the schools under its jurisdiction.

(b) Transact its business at regular or special meetings called for the purpose.

(c) Fix the time for its regular meetings. Such action shall be proper notice to all members of the board of the regular meetings.

(d) Call special meetings by written notice which shall be given to each member of the board at least 24 hours prior to the time for the meeting, unless at the time of the meeting each member of the board waives written notice.

(e) Make an annual report, on or before the first day of July, to the superintendent of schools in the manner and form and on the blanks prescribed by the superintendent of public instruction.

(f) Visit each school in its district at least once in each term, and examine carefully into the management, conditions, and needs of the schools. In any school district which employs district or city superintendents of schools, it shall either visit the schools or provide that they shall be visited by the district or city superintendent of schools or his assistants.

(g) Have the power to execute and deliver quitclaim deeds, either with or without consideration to the owners of real property adjacent to any real property owned by the school district, for the purpose of removing defects in and otherwise clearing up the title to such adjacent real property.

CHAPTER 1442

An act to amend Section 433 of the Code of Civil Procedure, relative to demurrers.

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 433 of the Code of Civil Procedure is amended to read:

433. When any of the matters enumerated in Section 430 do not appear upon the face of the complaint, the objection may be taken by answer; except that when the ground of demurrer is that there is another action pending between the same parties for the same cause, the court may take judicial notice of other actions and proceedings pending in the same court, or in other courts of the State, and for this purpose only an affidavit may be filed with the demurrer to establish such fact or invoke such notice.

CHAPTER 1443

An act to amend Section 625 of the Code of Civil Procedure, relative to general and special verdicts.

[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 625 of the Code of Civil Procedure is amended to read:

625. In all cases the court may direct the jury to find a special verdict in writing, upon all, or any of the issues, and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing, and may direct a written finding thereon. The special verdict or finding must be filed with the clerk and entered upon the minutes. Where a special finding of facts is inconsistent with the general verdict, the former controls the latter, and the court must give judgment accordingly.

CHAPTER 1444

An act to add Section 31680.1 to the Streets and Highways Code, relating to parking districts and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect immediately

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

SECTION 1. Section 31680.1 is added to the Streets and Highways Code, to read:

31680.1. Where an action or proceeding is heretofore or hereafter brought to set aside, cancel, avoid, annul, or correct any assessment or reassessment, or to review any of the proceedings, acts or determinations pursuant to this part, or to question the validity or enjoin the collection of any assessment or reassessment or to enjoin the issuance of bonds to represent any assessment or reassessment, said action or proceeding being brought after recordation of the assessment or reassessment

Issuance and sale of bonds

but before the sale and award of the bonds, the legislative body may issue and sell said bonds unless prevented by order of court and may, in its discretion, order: (1) that the bonds be dated and bear interest as provided in Section 31680, or (2) that the bonds be dated and bear interest from such date as may be specified by the legislative body, or (3) that notice of the assessment or reassessment be refiled in the office of the county recorder, in which case the time of recording as used in this part and in Section 4289 shall be the time of refiling such notice instead of the time of filing the original notice with the county recorder.

Urgency

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

The constantly increasing traffic congestion in the State of California and particularly in its urban areas brings death or injury to many persons each day. Traffic congestion detrimental to the public safety is in some measure caused by the inability of the operators of motor vehicles to find quickly and easily a place to park. The provisions of this act are necessary to expedite the financing of parking districts to provide parking places in such congested areas and it is therefore necessary that this act take effect immediately.

CHAPTER 1445

An act to add Section 72605 to the Government Code, relating to selection, examination, and instruction of municipal court 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 72605 is added to the Government Code, to read:

72605. In all municipal courts in a county with a population of 2,000,000 or over, the names of prospective jurors shall be determined by the application of a suitable "key number" to the precinct lists of registered voters within the respective judicial districts. Prospective jurors in such courts shall be given a uniform examination and when found to be qualified shall be given a uniform instruction pamphlet. Such examination and pamphlet shall be prepared by the judges of such courts, acting as an aggregate official body.

CHAPTER 1446

An act to add Section 69905 to the Government Code, relating to the appointment, salary, and duties of the superior court statistician.

[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 69905 is added to the Government Code, to read:

69905. In a county with a population of 2,000,000 or over, a majority of the judges of the superior court may appoint a statistician. His salary shall be: first step five hundred sixteen dollars ($516), second step five hundred forty-five dollars ($545), third step five hundred seventy-five dollars ($575); and shall be paid by the county.

The statistician shall accumulate and evaluate materials as directed by the court's presiding judge or executive officer.

CHAPTER 1447

An act to add Section 254.7 to the Revenue and Taxation Code, relating to the property tax welfare exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.] In effect immediately

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

SECTION 1. Section 254.7 is added to the Revenue and Taxation Code, to read:

254.7. Notwithstanding Section 254.5, an affidavit for the welfare exemption for the Fiscal Year 1957-58 may be filed with the assessor until and including May 15, 1958, by any organization which furnishes care, education, treatment, transportation, and other assistance to handicapped persons and which is entitled to claim the exemption for that year in respect to any property owned by it. All other provisions of Section 254.5, other than those relating to the filing date of affidavits, are nevertheless applicable to this section. Welfare exemption re handicapped persons organizations

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

Some organizations engaged generally in the work of assisting handicapped persons have inadvertently failed to file the required affidavit in support of the welfare exemption applicable to their property for the Fiscal Year 1957-58 and, as a

consequence, are now confronted with possible tax obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by removing the procedural bar to the obtainment of the exemption by such organizations. In doing so, it will fulfill the public policy of the State expressed through such exemption and thereby benefit the people generally.

CHAPTER 1448

An act to amend Section 2103.1 of the Education Code, relating to the compensation of members of boards of education.

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 2103.1 of the Education Code is amended to read:

2103.1. In any school district which is situated wholly or partly within a city containing a population of over 250,000 and less than 1,900,000 according to the 1950 Federal Census and which is not a city and county, each member of the city board of education may receive as compensation for his services the sum of twenty-five dollars ($25) for each meeting of the board actually attended, not to exceed one hundred dollars ($100) in any one calendar 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 equal to any salary or compensation paid to the members of against them. Compensation shall be reduced by an amount the city board of education from any funds of the city.

CHAPTER 1449

An act to amend Section 12701 of the Corporations Code, relating to cooperative corporations.

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 12701 of the Corporations Code is amended to read:

12701. At any meeting of the shareholders, the presence in person of 250 holders of shares having voting rights, or such lesser number of such persons as shall equal 5 percent of all of the holders of such shares, constitutes a quorum for the transaction of business, unless the by-laws require a greater number or percentage.

CHAPTER 1450

An act to add Section 14454 to the Health and Safety Code, relating to county fire protection 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. Section 14454 is added to the Health and Safety Code, to read:

14454. The name of a district may be changed pursuant to the procedure prescribed in this section. The board shall first adopt a resolution of intention to change the name of the district, which resolution shall specify the proposed new name of the district. Notice thereof shall be published pursuant to Section 14461. After a hearing on the matter, the board may adopt a resolution changing the name of the district. Upon the filing of a notice of such change of name with the county auditor and county clerk the district shall thereafter be known by the name specified in the resolution.

CHAPTER 1451

An act to amend Section 2 of the University of California Dormitory Revenue Bond Act of 1947 (Chapter 1027 of the Statutes of 1947), relating to the definition of project, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect immediately

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

SECTION 1. Section 2 of the University of California Dormitory Revenue Bond Act of 1947 is amended to read:

Sec. 2. Definitions: The following terms wherever used or referred to in this act, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) Regents. The term "regents" means the existing corporation known as "the Regents of the University of California," as the same is constituted by the provisions of Article IX, Section 9, of the Constitution of the State of California.

(b) University of California. The term "University of California" means the public trust created by Article IX, Section 9, of the Constitution of the State of California, and each and all of the campuses of said university within the State of California.

(c) Project. The term "project" means any one or more dormitories, other housing facilities, boarding facilities, student union facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the regents for use by students, faculty members or employees of the University of California, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the regents as a project in providing for the issuance of revenue bonds.

(d) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the regents, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this act, in order to obtain funds with which to carry out the purposes of this act, irrespective of the form of such obligation.

(e) Revenues. The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the regents from the operation of a project or arising from a project, including any such revenue as may have been or may be impounded or deposited in any sinking fund, redemption or reserve fund or other fund created for the security of revenue bonds or for the purpose of providing for the payment thereof or the interest thereon.

(f) Holder of Bonds. The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(g) Indenture. The term "indenture" means an agreement entered into by the regents pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the regents or by other instrument.

(h) Person. The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, political subdivision, city, county, district or any agency thereof or of this State.

(i) Number, Gender, Verbs. (1) The present tense includes the past and future tenses; and the future, the present.

(2) The masculine gender includes the feminine and neuter.

(3) The singular number includes the plural, and the plural the singular.

(4) "Shall" is mandatory and "may" is permissive.

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:

Present housing and auxiliary and supplementary facilities to accommodate students, faculty and other persons on certain campuses of the university are already grossly inadequate to meet demonstrated needs. Enrollment projections of the Department of Finance and other competent analysts warn that the situation will soon become desperate. The cost to the State of such accommodations can be reduced materially by the use of revenue bonds to finance them, and this act is necessary to authorize the regents of the university to issue such bonds for the auxiliary and supplementary purposes. This act will also serve as appropriate evidence of authority to support applications for loan assistance for such purposes from Federal Government agencies. Since these applications must be filed within 90 days to avoid a higher rate of interest on granted loans, it is necessary that this act go into immediate effect.

CHAPTER 1452

An act to add Section 31565 to the Government Code, relating to members of county retirement systems who are eligible for inclusion in State Teachers' Retirement System.

[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 31565 is added to the Government Code, to read:

31565. Any member of a system established under this chapter who is employed in a status requisite for membership in the State Teachers' Retirement System, may elect to transfer his membership to that system. Any member who elects to transfer his membership pursuant to this section may also elect in writing to withdraw his accumulated contributions, and in such event he shall be paid all of his accumulated contributions in the county retirement system.

CHAPTER 1453

An act to amend Section 8 of the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923), relating to public 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 8 of the Palo Verde Irrigation District Act is amended to read:

Sec. 8. Organization of the Board of Trustees. The members of the board of trustees elected to that office shall qualify by taking and filing with the County Clerk of Riverside County the oath of office commonly administered to public officials, and they shall without delay meet and organize by the selection of one of their number as president of the board, and likewise the selection of a secretary who may or may not be a member of the board.

The compensation of trustees and of all officers shall be fixed by the trustees themselves from time to time. The compensation of trustees, however, shall not exceed twenty dollars ($20) per diem. All officers shall hold office respectively until their successors are elected and qualify, but the regular term of office of trustees shall be three years from the date of election. Elections shall be held annually on the third Tuesday of September of each year. The trustees so elected shall qualify by taking the oath as herein provided, and shall organize at their first meeting, which shall be held not later than 20 days after the election.

As the successors of the retiring trustees are elected each year, such successors shall hold office for the term of three years.

The president of the trustees and the secretary or any other officers selected by the board shall hold office at the pleasure of the board. Four members shall be necessary to constitute a quorum and the decision of the majority present shall bind the district except as may be otherwise in this act provided.

The board shall have the power to adopt the proper rules or regulations to govern their procedure, and for the preservation and disbursement of its funds, time, place and manner of holding meetings, but a regular meeting day fixed by the board for a definite time and place each month must be provided to be held, and no notice of regular meetings need be given, and the president or any two members of the board shall have the right to call special meetings upon giving notice to the other trustees of the time and place thereof, not less than five days in advance of holding the meeting. Meetings may be held at any time or place when all the trustees are present and consent thereto, or at any time and place fixed

by written consent or call signed by all the trustees. Any vacancy occurring in the office of trustee shall be filled by a person selected by the remaining trustees. Such person shall hold office until the next annual election and until his successor is elected and qualifies. If the term of the former trustee, who is so succeeded by a person selected by the remaining trustees, extended beyond such next annual election, then the successor elected at such election shall be elected to fill out the unexpired term of such former trustee.

CHAPTER 1454

An act to add Section 13001.5 to the Education Code, relating to the employment of public school teachers.

[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 13001.5 is added to the Education Code, to read:

13001.5. The governing board of a school district shall, as a condition to employment, require an applicant for a position requiring certification qualification to furnish a statement of the military service of the applicant and, if any was rendered, a copy of the discharge or release from service. If no such document is available, the governing board may accept other suitable evidence of the conditions under which the military service of the applicant was terminated.

CHAPTER 1455

An act to add Section 27189 to the Streets and Highways Code, relating to emergency work of bridge and highway 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. Section 27189 is added to the Streets and Highways Code, to read:

27189. In cases of great emergency, including but not limited to states of disaster as defined in Section 1505 of the Military and Veterans Code, the board of directors of a bridge and highway district may proceed at once to replace or repair any and all structures, roadway, or property of the district that may be rendered unusable or unsafe without adopting the plans, specifications, strain sheets or working details or giving notice for bids to let contracts. 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. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, fixed as provided in Chapter 1 (commencing at Section 1720) of Part 7 of Division 2 of the Labor Code, shall be paid to all workmen employed on such works.

CHAPTER 1456

An act to amend Section 22173 of the Education Code, relating to county free libraries.

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 22173 of the Education Code is amended to read:

22173. The board of supervisors, after a county free library has been established, shall annually levy, in the same manner and at the same time as other county taxes are levied, and in addition to all other taxes, a tax not to exceed three mills ($0.003) on the dollar ($1) of assessed valuation upon all property in the county outside of cities maintaining free public libraries, union high school library districts maintaining district free public libraries, and outside of library districts maintaining district libraries, and upon all property within cities and library districts, which have elected to become a part of any county free library system, for the purpose of purchasing property for, establishing, and maintaining the county free library.

CHAPTER 1457

An act to amend Section 437c of the Code of Civil Procedure, relating to pleadings.

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 437c of the Code of Civil Procedure is amended to read:

437c. In superior courts and municipal courts if it is claimed the action has no merit, or that there is no defense

to the action, on motion of either party, after notice of the time and place thereof in writing served on the other party at least 10 days before such motion, supported by affidavit of any person or persons having knowledge of the facts, the answer may be stricken out or the complaint may be dismissed and judgment may be entered, in the discretion of the court unless the other party, by affidavit or affidavits shall show such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact A judgment so entered is an appealable judgment as in other cases. The word "action" as used in this section shall be construed to include all types of proceedings. The word "answer" as used in this section shall be construed to include counterclaim and cross-complaint. A motion filed pursuant to the provisions of this section shall be considered a pleading.

The affidavit or affidavits in support of the motion must contain facts sufficient to entitle plaintiff or defendant to a judgment in the action, and the facts stated therein shall be within the personal knowledge of the affiant, and shall be set forth with particularity, and each affidavit shall show affirmatively that affiant, if sworn as a witness, can testify competently thereto.

The affidavit or affidavits in opposition to said motion shall be made by the plaintiff or defendant, or by any other person having knowledge of the facts, and together shall set forth facts showing that the party has a good and substantial defense to the plaintiff's action (or to a portion thereof) or that a good cause of action exists upon the merits The facts stated in each affidavit shall be within the personal knowledge of the affiant, shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. When the party resisting the motion appears in a representative capacity, such as a trustee, guardian, executor, administrator, or receiver, then the affidavit in opposition by such representative may be made upon his information and belief.

If it appear that such defense applies only to a part of the plaintiff's claim, or that any part is admitted, the court shall, by order, so declare, and plaintiff's claim shall be deemed established as to so much thereof as such defense shall not apply to, or as is admitted, and the cause of action may be severed accordingly, and the action may proceed as to the remainder of such claim. No judgment shall be entered prior to the termination of such action but the judgment in such action shall, in addition to any matters determined in such action, award to plaintiff the amount of his claim so established by the proceedings herein provided for. A judgment entered under this section is an appealable judgment as in other cases

CHAPTER 1458

An act to add Section 37114 to the Government Code, relating to the correction of deeds of real property.

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 37114 is added to the Government Code, to read:

37114. If real property is conveyed by a city and it is subsequently determined and mutually agreed by the legislative body of the city and the person to whom the property was conveyed that an error was made in the description of the property conveyed, so that less property is included in the description than was intended by the parties, the legislative body of the city may by resolution recite the facts of such error and approve such determination and agreement; thereafter the legislative body may execute or cause to be executed a corrective deed without conforming to the requirements of law, if any, for the sale of real property by cities and without commencing a judicial action to reform the deed.

A similar procedure may be followed with respect to property conveyed to a city, where the error results in more property being conveyed than was intended. In either case the resolution of the legislative body shall be conclusive as to the facts recited therein as to good faith purchasers or encumbrancers for value.

This section shall not apply to a conveyance by or to a city if the error is in the published description required by law or charter, nor shall this section require notice of such sale or purchase to be published if not otherwise required by law.

CHAPTER 1459

An act to amend Section 1015.5 of the Fish and Game Code, and Section 8046 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to the Marine Research Committee.

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 1015.5 of the Fish and Game Code is amended to read:

Privilege tax

1015.5. Every person operating under a license as provided in this article shall, in addition to the license fee and to the tax provided in Section 1015, pay a privilege tax of five cents ($0.05) for each hundred pounds or fraction thereof

of sardines, Pacific mackerel, jack mackerel, squid, herring, and anchovies purchased, received or taken by him from the effective date of this act until December 31, 1959.

Said privilege tax shall be paid to the department at the same time and in the same manner as other privilege taxes provided in this article. The money received shall be deposited in the Fish and Game Preservation Fund.

Money so deposited in the Fish and Game Preservation Fund 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. No research project shall be authorized except by a majority of the committee. The committee may employ such technical and clerical assistants as may be necessary to carry out such research and may contract with any person or agency, public or private, including the Regents of the University of California, for the carrying on of such research projects.

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 1015.5 of the Fish and Game Code adopted in 1933, is repealed.

Effect Stats 1957, Ch. 456

CHAPTER 1460

An act to amend Section 352 of the Vehicle Code, relating to drivers' licenses.

[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 352 of the Vehicle Code is amended to read:

352. Minor's Negligence Imputed to Parent in Certain Cases. (a) Any liability of a minor arising out of his driving a motor vehicle upon a highway during his minority is hereby imposed upon the persons or person who signed and verified the application of such minor for a license for all purposes of civil damages and said persons or person shall be jointly and severally liable with such minor for any damages proximately resulting from such negligence or wilful misconduct, except that an employer signing such application shall be subject to the provisions of this subdivision only if an unrestricted oper-

ator's or chauffeur's license has been issued to the minor pursuant to such employer's written authorization.

(b) Any negligence or wilful misconduct of a minor whether licensed or not under this code in driving a motor vehicle upon a highway with the express or implied permission of the parents or the person or guardian having custody of the minor shall be imputed to such parents or such person or guardian for all purposes of civil damages and such parents or such person or guardian shall be jointly and severally liable with such minor for any damages proximately resulting from such negligence or wilful misconduct.

(c) No person, nor the persons collectively if the negligence or wilful misconduct of the minor in operating a motor vehicle is imputed hereunder to more than one person, shall incur liability under this section in any amount exceeding five thousand dollars ($5,000) for injury to or death of one person as a result of any one accident or, subject to said limit as to one person, exceeding ten thousand dollars ($10,000) for injury to or death of all persons as a result of any one accident or exceeding one thousand dollars ($1,000) for damage to property of others as a result of any one accident.

(d) The provisions of this section have no application when the minor is acting as the agent or servant of any person.

CHAPTER 1461

An act to amend Section 575 of the Welfare and Institutions Code, relating to compensation of referees.

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 575 of the Welfare and Institutions Code is amended to read:

575. In counties of the first and the third class, such referees shall serve without compensation, save that in each county of the first class having a charter the board of supervisors shall fix the compensation for at least two such referees, and in each county of the third class the board of supervisors shall fix the compensation for at least one referee. In counties of the second class the compensation of each of the two referees shall be eight hundred seventy-five dollars ($875) per month.

CHAPTER 1462

An act to add Sections 74501.1 and 74501.2 to the Government Code, relating to the judges of the Municipal Court in the City and County of San Francisco.

[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 74501.1 is added to the Government Code, to read:

74501.1. When authorized by the board of supervisors, judges of the municipal court 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. Expenses

SEC. 2. Section 74501.2 is added to the Government Code, to read:

74501.2. When authorized by the board of supervisors, judges of the municipal court may make inspections of public 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

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CHAPTER 1463

An act to add Section 16423.1 to the Education Code, relating to school 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. Section 16423.1 is added to the Education Code, to read:

16423.1. If the governing board of any school district maintaining junior high schools or high schools does not provide or make available medical and hospital services for pupils of the district injured while participating in athletic activities, in accordance with Section 16423, the board shall notify, in writing, the parent or guardian of each pupil of the district participating in such athletic activities that the services are not provided or made available by the governing board.

CHAPTER 1464

An act to amend Sections 11151, 11154, 11156, 11181, 11184, 11221, 11244, 11245, and 11247 of; to repeal Sections 11181.2, 11222, 11246, 11271, 11272, 11273, 11274, 11291, and Article 8 (commencing at Section 11351) of Chapter 2 of Division 6 of; and to add Sections 11151.1, 11151.2, 11271, 11272, 11273, 11291, and 11292 to, the Education Code, relating to textbooks, supplementary books, and teachers' manuals, the adoption thereof, and use thereof in public kindergarten, elementary, and secondary schools.

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 11151 of the Education Code is amended to read:

Adoption of basic textbooks, etc

11151 The State Board of Education shall adopt one or more basic textbooks in each of the subjects prescribed for the elementary schools by Section 10302 of this code, except in art and in morals and manners. The board may adopt a single textbook covering two or more of these subjects The board may adopt other textbooks, supplementary textbooks, and teachers' manuals for use in the elementary schools The board may adopt teachers' manuals for use in the kindergarten schools. The board shall determine the grade or grades for which each basic textbook, other textbook, supplementary textbooks, and teachers' manual is adopted

The board shall determine the period for which each basic textbook, other textbook, supplementary textbook, and teachers' manual is adopted, which period shall not be less than four years nor more than eight years. After an original adoption period has expired, the board may extend the adoption period of such books for not less than one year nor more than four years.

Nothing in this section shall be construed as prohibiting the governing board of any school district, or any county library from ordering and purchasing such supplementary textbooks as are required.

SEC. 2. Section 11151 1 is added to said code, to read:

Provision for textbooks

11151.1. The State Board of Education shall make available for the use of each pupil enrolled in the elementary schools the textbook that is adopted for the grade in which the pupil is enrolled, except that, in lieu thereof, a copy of a basic textbook covering the same or closely related subject matter and adopted for a lower or higher grade may be made available for any pupil for whom such a textbook would be more appropriate. The board shall provide copies of basic textbooks for teachers of subjects for which such textbooks are adopted. The board shall determine the quantities in

which copies of basic textbooks, other textbooks, supplementary textbooks, and teachers' manuals adopted by the board shall be provided for pupils and teachers.

Whenever the board adopts two or more basic textbooks in a subject, they shall be provided in quantities that shall be determined by the board at the time the textbooks are adopted.

SEC. 3. Section 11151.2 is added to said code, to read:

Impaired vision

11151.2. The State Board of Education shall make available copies of adopted textbooks in large print for pupils enrolled in the elementary schools whose visual acuity is 20/70 or less or who have other visual impairment making the use of such textbooks necessary.

SEC. 4. Section 11154 of said code is amended to read:

Costs

11154. The cost of publishing textbooks, and teachers' manuals shall be paid out of funds appropriated for publishing, purchasing and shipping free textbooks.

SEC. 5. Section 11156 of said code is amended to read:

State Curriculum Commission

11156. The State Curriculum Commission may also study the textbooks submitted to the State Board of Education for adoption and make recommendations thereon to the State Board of Education. The State Curriculum Commission shall give preference to California produced books of equal or superior merit. The State Curriculum Commission may, without at the time furnishing vouchers and itemized statements, draw from funds appropriated for publishing, purchasing and shipping free textbooks a sum not to exceed ten thousand dollars ($10,000). The sum shall be used as a revolving fund for the purpose of having manuscripts of proposed textbooks prepared.

SEC. 6. Section 11181 of said code is amended to read:

State Board of Education

11181. The State Board of Education may:

(a) Compile in whole, or in part, and manufacture such textbooks as are now in use.

(b) Compile, or cause to be compiled and manufacture such other additional textbooks or books as it may deem necessary or proper for use in the elementary schools of the State.

(c) Purchase books when necessary, or lease plates, maps, engravings, or copyright matter for use in manufacturing textbooks.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing textbooks.

(e) Provide for the payment of royalties or for the leasing of plates or making the whole or any part of a book, and do any or all things that may be necessary for the purpose of procuring a uniform series of textbooks for use in the elementary day and evening schools of this State.

(f) Arrange for the printing of textbooks by the State Department of Finance.

SEC. 7. Section 11184 of said code is amended to read:

Plates, etc

11184. Whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books are purchased, the State Board of Education shall enter

into a contract for not less than four years nor more than eight years for their use in the elementary day and evening schools of the State, and shall require a good and sufficient bond of the owners of the books, plates, maps, or engravings under a written guarantee that they shall be kept, revised and free from all errors and up to date as may be required by the State Board of Education.

After an original adoption period has expired, and whenever the State Board of Education extends the adoption period of such books pursuant to Section 11151, such extension shall be for not less than one year nor more than four years in the same manner as prescribed by this article.

Repeals

SEC. 8. Sections 11181.2, 11222, 11246, 11271, 11272, 11273, 11274, 11291, and Article 8 (commencing at Section 11351) of Chapter 2 of Division 6 of said code are repealed.

SEC. 9. Section 11221 of said code is amended to read:

Printing

11221. Subject to the approval of the State Board of Education or a representative of the State Board of Education appointed to supervise the work, the Department of Finance shall have supervision of all the mechanical work connected with the printing of such books as may be compiled and adopted The Department of Finance, after printing and binding the books, shall deliver them to the Superintendent of Public Instruction.

SEC. 10. Section 11244 of said code is amended to read:

Price

11244. Books shall not be sold by dealers for more than their cost price, which price shall be established by the State Board of Education.

SEC. 11. Section 11245 of said code is amended to read:

Orders

11245. All orders for textbooks shall be forwarded to the Superintendent of Public Instruction on forms provided by him.

SEC. 12. Section 11247 of said code is amended to read:

Accounts

11247. The Superintendent of Public Instruction shall keep an accurate account of the amount of money received from the sale of textbooks and report to the Controller in accordance with provisions of Chapter 1 (commencing at Section 16300) of Part 2 of Division 4 of Title 2 of the Government Code. The amount of money collected therefor shall be paid into the Treasury to the credit of the current appropriation for publishing, purchasing, and shipping free textbooks.

SEC. 13. Section 11271 is added to said code, to read:

Use

11271. At the time of adoption the State Board of Education shall determine the date a textbook shall be put into use, which shall be the beginning of a school year.

SEC. 14. Section 11272 is added to said code, to read:

Notice of adoption

11272. Following the adoption of a textbook the Superintendent of Public Instruction shall give notice of the adoption, the grade or grades for which it is adopted, the date it is to be put into use, the period of years during which it is to remain in use, the quantities in which it will be provided and other matters affecting its use to each county superintendent

of schools and to the governing board of each school district. Similar notice shall be given by him following the readoption of a textbook.

SEC. 15. Section 11273 is added to said code, to read:

11273. The State Board of Education shall enforce the uniform use of textbooks in the grades of the public elementary schools for which they are adopted. Uniformity

SEC. 16. Section 11291 is added to said code, to read:

11291. No charge shall be made to any school district or county superintendent of schools for state textbooks or teachers' manuals to be used in grades one through eight of the public schools, nor shall any charge be made to any pupil or teacher for the use of such textbooks or teachers' manuals. Charges

SEC. 17. Section 11292 is added to said code, to read:

11292. The Superintendent of Public Instruction shall maintain a supply of state textbooks and distribute them to the school districts and county superintendents of schools in conformity with the provisions of this code and with the rules, regulations and resolutions of the State Board of Education made pursuant thereto. Supply

CHAPTER 1465

An act to add Section 11023.1 to the Education Code, relating to textbooks and supplementary books.

[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 11023.1 is added to the Education Code, to read:

11023.1. Each fiscal year, commencing with the Fiscal Year 1957-58, the governing board of each school district, each county superintendent of schools, and each county librarian shall prepare and transmit to the Superintendent of Public Instruction, on forms that he shall provide, a report on supplementary books or textbooks, which shall include the total amount expended by the district, county superintendent of schools, or library for the purchase of supplementary books or textbooks during the fiscal year immediately preceding. The Director of Education shall keep such reports available for inspection by any citizen of the State. The director shall also compute the total amount expended during each fiscal year for supplementary books or textbooks, as shown by the reports of all districts, and shall keep a report of such total available for inspection by any citizen of this State.

CHAPTER 1466

An act to amend Section 11021 and to repeal Sections 11275 and 11276 of the Education Code, relating to textbooks.

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 11021 of the Education Code is amended to read:

Duties of superintendent

11021. Any city, county, city and county, or district superintendent of schools or any principal of any elementary or secondary school under his charge, who refuses or neglects to require the use of the series of the textbooks prescribed by the State Board of Education or who shall require any pupil, except pupils in classes for adults or junior colleges, to purchase any supplementary book or books for the pupils' use in the schools is guilty of a misdemeanor.

Repeals

SEC. 2. Sections 11275 and 11276 of said code are hereby repealed.

CHAPTER 1467

An act to amend Section 72602 of the Government Code, relating to municipal courts 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 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	3
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 1468

An act to add Sections 2709.5 and 2858 to the Business and Professions Code, relating to the preservation of the public health and safety and more particularly to nursing and vocational nursing.

[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 2709.5 is added to the Business and Professions Code, to read:

2709.5. The board shall accept in payment of any fee required by this chapter cash or any customary or generally accepted medium of exchange, including check, cashier's check, certified check or postal money order. For the purposes of this section, customary or generally accepted medium of exchange does not include postage stamps. Payment of fee

SEC. 3. Section 2858 is added to said code, to read:

2858. The board shall accept in payment of any fee required by this chapter cash or any customary or generally accepted medium of exchange, including check, cashier's check, certified check or postal money order. For the purposes of this section, customary or generally accepted medium of exchange does not include postage stamps. Same

CHAPTER 1469

An act to add Section 9906.05 to the Government Code, relating to regulation of legislative advocates.

[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 9906.05 is added to the Government Code, to read:

9906.05. Registration within 30 days immediately preceding a general session of the Legislature shall be deemed a registration at that general session as required by Section 9906.

CHAPTER 1470

An act to amend Section 9906 of the Government Code, relating to regulation of legislative advocates.

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 9906 of the Government Code is amended to read:

Registration

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the clerk and the secretary a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding general session of the Legislature and again submit at that time the information and authorization required by this subdivision (a), unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the first and fifteenth day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month in carrying on his work; to whom paid; for what purposes; the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary

course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, radio or television station or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the Secretary of the Senate and not previously published shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal of the Assembly within the week immediately preceding the constitutional recess, or within the week immediately preceding final adjournment, at each general session, or within the week immediately preceding final adjournment at each budget session, whichever is the earliest date after such filing.

CHAPTER 1471

An act to add Article 3 (consisting of Section 96) to Chapter 3 of Division 1 of the Agricultural Code, relating to horse race meetings at state and agricultural district fairs.

[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 3 is added to Chapter 3 of Division 1 of the Agricultural Code, to read:

Article 3. Horse Race Meetings at Fairs

96. Whenever the Board of Directors of the California State Fair or the board of directors of any district agricultural association finds that it is necessary, in order to conduct a successful horse race meeting with adequate competition and a sufficient number of competent jockeys, it may purchase suitable accident and disability insurance for the benefit of the jockeys participating in the horse race meeting to protect them from the physical hazards of such participation. Such insurance shall be in addition to the workmen's compensation insurance required to be carried by licensed horse owners. The Legislature hereby finds and declares that expenditure of funds for such insurance is a public purpose and is in furtherance of the purposes for which state and district fairs are conducted.

CHAPTER 1472

An act to add Section 1630 to the Civil Code, relating to bailment contracts with auto parking lots.

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 1630 is added to the Civil Code, to read:

1630. No printed contract of bailment providing for the parking or storage of a motor vehicle shall be binding, either in whole or in part, on the vehicle owner or on the person who leaves the vehicle with another, unless the contract conforms to the following:

(a) "This contract limits our liability—read it" is printed at the top in capital letters of 10-point type or larger.

(b) All the provisions of the contract are printed legibly in eight-point type or larger.

(c) Acceptance of benefits under a contract included within the provisions of this section shall not be construed a waiver of this section, and it shall be unlawful to issue such a contract on condition that provisions of this section are waived.

A copy of the contract printed in large type, in an area at least 17 by 22 inches, shall be posted in a conspicuous place at each entrance of the parking lot.

Nothing in this section shall be construed to prohibit the enactment of city ordinances on this subject that are not less restrictive, and such enactments are expressly authorized.

CHAPTER 1473

An act making an appropriation to the Department of Agriculture for the establishment of a Klamath Basin market news service.

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. The Director of Agriculture shall cooperate with the Secretary of Agriculture, and with the appropriate office of the State of Oregon, to establish a market news service in the Klamath Basin.

SEC. 2. The sum of six thousand dollars ($6,000), or so much thereof as may be necessary, is hereby appropriated out of the General Fund for expenditure of the Department of Agriculture for the establishment of a market news service in the Klamath Basin.

CHAPTER 1474

An act to add Section 31105.1 to the Government Code, relating to county civil service ordinances.

[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 31105.1 is added to the Government Code, to read:

31105.1. Any ordinance adopting a civil service system which was, prior to the effective date of this section, submitted to a vote of the qualified electors of the county at a general or special election and received the affirmative vote of a majority of the electors voting on the proposition for the approval of the ordinance, and all ordinances amending such ordinance, are hereby validated and confirmed and shall have the full legal effect of ordinances adopted by the board of supervisors and approved by the electors in the manner required by law and complying in every respect with laws relating to the adoption and approval of such ordinances, notwithstanding any defect, irregularity, omission or ministerial error in the adoption or approval thereof.

CHAPTER 1475

An act to add Section 37395 to the Government Code, relating to the leasing of city, county or city and county property for recreational purposes.

[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 37395 is added to the Government Code, to read:

37395. A city, county or city and county may lease property owned, held or controlled by it for not to exceed 99 years, for stadium, park, recreational, fair, exposition or exhibition purposes.

CHAPTER 1476

An act to amend Sections 23201, 23207, 23214, 23215, and 23216 of the Government Code, relating to alteration of county boundaries.

[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 23201 of the Government Code is amended to read:

23201. Any existing boundary line between counties shall not be changed, altered, or reformed so as to cause:

Boundary lines

(a) The line to pass within five miles of the county seat of the county from which territory is taken.

(b) The line to be moved a distance in excess of five miles from its original location.

(c) A reduction by more than 5 percent in the area of the county from which territory is taken.

(d) A reduction by more than 3 percent in the population of the county affected.

SEC. 2. Section 23207 of said code is amended to read:

Petition

23207. The petition shall contain in substance the following information:

(a) A particular description of the proposed new boundary line as it will appear or exist if the existing boundary line is changed, altered, and reformed.

(b) A statement that the proposed new boundary line will not pass within five miles of the county seat of the county from which territory is taken.

(c) A statement that the distance at which the proposed boundary line is located from the existing boundary line does not exceed five miles.

(d) A statement of the area in square miles of the territory proposed to be transferred and that the area does not exceed more than 5 percent of the area of the county from which it is taken.

(e) A statement that the proposed change will not reduce the population of the county affected by more than 3 percent.

(f) A statement that the petition is accompanied by a written consent signed by not less than 50 percent of all the owners of land within the territory proposed to be transferred to the county other than that where originally located.

SEC 3. Section 23214 of said code is amended to read:

Hearing

23214. At the time fixed for hearing the board of each county in which the petition has been filed shall proceed to hear the petitioners and opponents. Each board may adjourn the hearing from time to time, not exceeding 14 days in all. It shall receive the proofs offered to establish or controvert the facts set forth in the petition, and on final hearing each board shall by resolution entered on its minutes determine:

(a) The proposed new boundary as set forth and shown on the map attached to the petition.

(b) Whether the proposed new boundary line passes within five (5) miles of any county seat of the counties from which territory is taken, whether or not the proposed new boundary line is moved a greater distance than five (5) miles from its existing location, and whether the territory proposed to be transferred exceeds 5 percent of the county from which it is to be taken.

(c) That all of the signers of the petition are qualified electors within the county in which the petition was circulated and filed, and whether or not signers on the written statement attached to and filed with the petition own land within the territory affected by the proposed change.

(d) The population of the territory affected by the proposed change of boundary line and whether or not the change will reduce the population of the county affected by more than 3 percent.

SEC. 4. Section 23215 of said code is amended to read:

23215. Each board may grant the prayer of each of the petitions filed with it if it determines that: Grant of petitions

(a) The proposed transfer of territory will not reduce the population of the county affected by more than 3 percent.

(b) The area proposed to be transferred does not exceed 5 percent of the county from which it is taken.

(c) No line of the territory proposed to be transferred passes within five miles of the county seat of the county from which territory is taken.

(d) The petition contains the genuine signatures of at least 25 of the qualified electors residing within the county to which the proposed transfer is to be made.

(e) The petitions contain the genuine signatures of at least 25 of the qualified electors residing within the county from which the territory is proposed to be transferred.

(f) The petitions contain the written consent of at least 50 percent of all the owners of land within the territory proposed to be transferred.

SEC. 5. Section 23216 of said code is amended to read:

23216. If each board grants the prayer of the petition, the proposed transfer shall be made pursuant to this article; but if either of the boards refuses to grant the prayer of the petition, the transfer shall not be made. Transfer

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CHAPTER 1477

An act to amend Section 987 of the Military and Veterans Code, relating to farm and home purchases, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.] In effect immediately

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

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 selling 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 deter- Down payment

mined by the department for such amortization purposes. The department shall establish the actual interest rate to be paid. 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 periodically, at least once each year, make a finding as to the rate of interest to be charged, not to exceed 5 percent per annum, taking into consideration the current value of money and the solvency of the Veterans' Farm and Home Building Fund of 1943. 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. 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.

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 current market for money is such a very restricted one that there is much competition for the money that is available. Such a situation has increased the interest rates payable on bond issues and has also caused an increase in the cost of such bond issues. The maximum rate that may be charged on such veterans loans under existing law is 4 percent. In order that the interest rate may be increased beyond this if necessary in light of the present money situation it is necessary that this act take effect as soon as possible to prevent any possible loss to the State of California.

CHAPTER 1478

An act to add Sections 1627, 1628 and 1629 to the Streets and Highways Code, relating to county highway right of way acquisition revolving funds.

[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 1627 is added to the Streets and Highways Code, to read:

Revolving fund

1627. The board of supervisors of any county, by resolution adopted by four-fifths of the members thereof, may establish a county highway right of way acquisition revolving fund, to be used in acquiring rights of way for county highway purposes through purchase or condemnation. Money on deposit in said fund shall at no time exceed one-half of 1 percent of the assessed valuation of the county.

SEC. 2. Section 1628 is added to said code, to read:

Bond issue

1628. The board of supervisors of any county which has established a county highway right of way acquisition revolving fund, may by resolution call an election to obtain authorization for the issuance and sale of bonds to finance the acquisition of rights of way for county highway purposes. Such bonds may be issued if approved by two-thirds of the electors voting at any regular or special election called for such purpose, and shall be limited in amount to one-half of 1 percent of the current assessed valuation of the county.

SEC. 3. Section 1629 is added to said code, to read:

Deposit of funds

1629. The board of supervisors of any county which has established a county highway right of way acquisition revolving fund may place on deposit in such fund any moneys available to such county for county highway purposes.

CHAPTER 1479

An act to amend Section 73 of the Streets and Highways Code, relating to state highways.

[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 73 of the Streets and Highways Code is amended to read:

Relinquishment of highways

73. The commission shall relinquish to any county or city any portion of any state highway within such county or city which has been deleted from the State Highway System by legislative enactment, and such relinquishment shall become effective upon the first day of the next calendar or fiscal year,

whichever first occurs after the effective date of such legislative enactment. It may likewise relinquish any portion of any state highway which has been superseded by relocation. Whenever the department and the county or city concerned have entered into an agreement providing therefor, or the legislative body of such county or city has adopted a resolution consenting thereto, the commission may relinquish, to any such county or city, any frontage or service road or outer highway, within the territorial limits of such county or city, which has a right of way of at least forty (40) feet in width and which has been constructed as a part of a state highway or freeway project, but does not constitute a part of the main traveled roadway thereof.

Relinquishment shall be by resolution. A certified copy of such resolution shall be filed with the board of supervisors or the city clerk, as the case may be; a certified copy of such resolution shall also be recorded in the office of the recorder of the county where such land is located, and upon such recordation, all right, title and interest of the State in and to such portion of any state highway shall vest in the county or city, as the case may be, and such highway or portion thereof shall thereupon constitute a county road or city street, as the case may be

The vesting of all right, title and interest of the State in and to such portions of any state highways heretofore relinquished by the commission, in the county or city to which it was relinquished is hereby confirmed.

Prior to relinquishing any portion of a state highway to a county or a city, except where required by legislative enactment, the department shall give 90 days' notice in writing of intention to relinquish to the board of supervisors, or the city council, as the case may be. Where the resolution of relinquishment contains a recital as to the giving of said notice, adoption of the resolution of relinquishment shall be conclusive evidence that said notice has been given.

The commission shall not relinquish to any county or city any portion of any state highway which has been superseded by relocation until the department has placed the surface of the roadway in a state of good repair.

CHAPTER 1480

An act to add Section 5096.5 to the Revenue and Taxation Code, relating to property tax refunds.

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 5096.5 is added to the Revenue and Taxation Code, to read:

5096.5. On order of the board of supervisors, any taxes paid which were not erroneously or illegally collected under the law as it existed at the time of collection, but for which an exemption is provided by a retroactive constitutional amendment, shall be refunded after compliance with the provisions of this article, except that the claim for refund may be filed at any time within three years after the date such amendment became effective, or the date that this section became effective, whichever is later. Refunds

SEC. 2. It is the intention of the Legislature to clarify the mode by which refunds may be made when tax exemption is retroactively granted by constitutional amendment. Intent

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CHAPTER 1481

An act to add Section 9134 to the Government Code, relating to the Legislature, and creating a citizens advisory commission to assist in an investigation of procedures of the Legislature.

[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 9134 is added to the Government Code, to read:

9134. In order to provide the Legislature and the Joint Committee on Legislative Procedure with needed advice and information regarding proposed changes in Legislature's procedure and staff, there is created in the State Government the Citizens Legislative Advisory Commission. The commission shall consist of such number of citizens, but not less than 25 persons, as the Joint Committee on Legislative Procedure appoints thereto. The commission membership shall be selected in such fashion that the interests of various groups throughout the State, including management, labor, women's clubs, the press, and the universities are represented to the fullest extent possible. The commission shall select its own chairman, who may appoint an executive committee and such other committees as the commission determines.

The commission shall assist and advise the Joint Committee on Legislative Procedure in its deliberations on possible improvements in the procedures and staffing of the Legislature and shall report its recommendations to the Legislature from time to time.

The members of the commission shall serve without compensation but each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses. Such expenses will be paid from the Senate Contingent Fund and the Assembly Contingent Fund.

The existence of the commission shall terminate 90 days after the adjournment of the 1959 Regular Session of the Legislature.

CHAPTER 1482

An act to add Section 6006.6 to the Revenue and Taxation Code, relating to sales and use taxes.

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 6006.6 is added to the Revenue and Taxation Code, to read:

6006.6. "Sale" includes any sale at an auction in respect to tangible personal property which is sold to a successful bidder at the auction upon an agreement or understanding at the time of the sale that the property involved either will not be delivered to the successful bidder or that any amount which he may pay for the property pursuant to the sale will be returned to him. The tax shall be computed in such case upon the amount of the successful bid.

CHAPTER 1483

An act to amend Section 7056 of the Revenue and Taxation Code, relating to records of sales and use taxes, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[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 7056 of the Revenue and Taxation Code is amended to read:

Disclosure of records

7056. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part.

When requested by resolution of the legislative body of any county, city and county or city, the board shall permit the tax collector of the county, city and county or city, or any duly authorized deputy or employee of such officer, to examine all

of the sales and use tax records of the board pertaining to sales and use taxes collected for the county, city and county or city by the board pursuant to contract entered into between the board and the county, city and county or city under the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the Revenue and Taxation Code).

The information so obtained pursuant to the order of the Governor or the resolution of the local legislative body shall not be made public except to the extent and in the manner that the order or resolution may authorize that it be made public.

Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

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 for uniform local sales and use tax presently being collected to be properly supervised and administered it is necessary that this act take effect immediately.

CHAPTER 1484

An act to amend and renumber Section 21151 of the Government Code, relating to appointments of retired members of the State Employees' Retirement System.

[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 21151 of the Government Code, as added by Chapter 253 of the Statutes of 1955, is amended and renumbered to read:

21153. The Governor or the director of a state department may appoint any person who has been retired under this part as a member of any nonsalaried board, commission, or advisory committee, 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.

CHAPTER 1485

An act to add Section 14575.8 to the Education Code, relating to benefits payable under the State Teachers' Retirement System.

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 14575.8 is added to the Education Code, to read:

14575.8. If the spouse is the sole beneficiary nominated by a deceased member to receive the death benefit provided in Section 14575, he may irrevocably elect to have said benefit payable to him as a monthly life income which shall be actuarially equivalent to said death benefit on the basis of the interest rate and mortality tables currently in use under this system on the date of the member's death. Such election to be effective must be filed in writing with the board within 60 days after the effective date of this section or after the member's death, whichever is later, and prior to payment of any part of said benefit. The right to make such election will extend to the beneficiary of any member whose death occurred on or after October 1, 1956.

CHAPTER 1486

An act to amend Sections 1152 and 1156 of the Harbors and Navigation Code, relating to board of pilot commissioners.

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 1152 of the Harbors and Navigation Code is amended to read:

Compensation

1152. The members of the board shall receive as compensation for their services such amount as may from time to time be determined by the board not exceeding three hundred dollars ($300) each per month nor in the aggregate for all members of the board during any one month more than the amount of moneys received during that month pursuant to the provisions of Section 1167 of this code. They, and the officers and employees of the board shall be allowed their actual necessary expenses in the performance of their duties.

SEC. 2. Section 1156 of said code is amended to read:

Secretary, etc

1156. The board may appoint and fix the compensation of a secretary, a treasurer, and such other employees as may be necessary. The secretary shall receive such compensation as may be fixed by the board not to exceed five hundred dollars ($500) a month.

CHAPTER 1487

An act to add Part 6.5 (commencing at Section 36500) to Division 13 of the Water Code, relating to assessments of California water 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. Part 6.5 (commencing at Section 36500) is added to Division 13 of the Water Code, to read:

PART 6.5. ALTERNATIVE PROVISIONS FOR LEVY, COLLECTION AND ENFORCEMENT OF DISTRICT ASSESSMENTS BY THE COUNTY

Alternative method

36500. This part provides an alternative method for the levy, collection and enforcement of district assessments and the provisions of this part shall not apply to or affect any other provisions of this division.

Applicability

36501. This part shall apply only to districts the territory of which is wholly within the boundaries of a single county.

Definitions

36502. Unless the context otherwise requires, the following terms used in this part shall mean:

(a) "Board of supervisors" means the board of supervisors of the county within which a district is located;

(b) "Bond" or "bonds" mean a general obligation bond or bonds.

Election

36503. On or before January 31st of any year the board may by resolution elect to proceed under this part for the levy, collection and enforcement of assessments, and thereafter until termination of such election the provisions of this part and no other shall apply. The board by resolution may at any time on or before January 31st of any year terminate its election to proceed under this part, and thereafter the provisions of this part shall no longer apply. On or before February 1st following the adoption of either of said resolutions, a certified copy thereof shall be filed with the auditor, assessor, tax collector and treasurer of the county.

Fiscal year

36504. The board may from time to time by resolution provide for a district fiscal year, to commence and end at the dates specified in said resolution.

Same: Change

36505. Whenever the fiscal year is changed, if necessary to provide sufficient money to meet the obligations and expenses of the district between the end of the previous fiscal year and the commencement of the new fiscal year, the board may add to the estimate to be furnished to the board of supervisors for the first new fiscal year an amount clearly sufficient to raise money for the purposes required or authorized by Section 36506.

Estimate

36506. Not later than the first day of the month in which the board of supervisors is required by law to levy taxes for county purposes, the district board shall furnish to the board of supervisors an estimate in writing of the amount of money needed for the purposes of the district for the next fiscal year. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for payment of the principal of and interest upon bonds as they become due and for payment of other claims and expenses of the district, said estimate shall be in an amount sufficient for payment of the principal of and interest on bonds as they become due and for payment of other claims and expenses of the district.

Assessment

36507. The board of supervisors annually at the time of levying county taxes shall levy an ad valorem assessment upon all lands within the district sufficient to raise the amount stated in the estimate of the district board.

Levy and collection

36508. Said ad valorem assessment shall be levied and collected at the same time and in the same manner and by the same officers and with the same penalties and interest as general county taxes and when collected shall be paid to the district.

Compensation

36509. The board may by resolution authorize payment to the county of reasonable compensation, as may be provided by law or as may be agreed upon with the county, for services rendered by the county and the officers thereof in levying, collecting and enforcing district assessments pursuant to this part.

CHAPTER 1488

An act to add Section 28145.1 to the Government Code, relating to compensation for public service in counties.

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 28145.1 is added to the Government Code, to read:

28145.1. In each county of the forty-fifth class the auditor shall receive as compensation for the services required of him by law or by virtue of his office the sum of six thousand dollars ($6,000) a year.

CHAPTER 1489

An act to amend Sections 305, 1825.5, 1835, 1843, 1844, 1855, 2575, 2805, and 6358 of, and to add Sections 1855.1 and 1855.2 to, the Education Code, relating to elections.

[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 305 of the Education Code is amended to read:

County board

305. Members of the county board of education shall be elected on the date and in the manner prescribed for the election of members of governing boards of school districts; provided, such elections are held throughout the county on the same date; otherwise the election shall be consolidated with the direct primary election. Where the elections for governing board members are held on the same date then the provisions of Section 1825.5 of this code shall apply to the election of members of the county board of education. The first election held under this article shall be conducted by the county board of supervisors and thereafter by the county board of education. They shall take office on the first day of July subsequent to their election and shall serve for a term to be determined for each county by the county committee on school district organization. The county committee on school district organization shall also determine the manner in which the county board of education first elected under this chapter shall effect a staggering of terms.

The county committee on school district organization shall file in writing its determinations under this section with the county board of supervisors not later than March 1, 1956.

SEC. 2. Section 1825.5 of the Education Code is amended to read:

Consolidation

1825.5. Whenever school district governing board member elections for two or more school districts of any type are required by law to be held in the same district or area on the same day the elections shall be consolidated so that a person entitled to vote in both or all of such elections may do so at the same time and place and using the same ballot.

When a consolidated election is required by this section to be held, the basic unit for conducting the election shall be the elementary district and the county superintendent of schools having jurisdiction over the elementary district shall, at least 120 days prior to the election, notify in writing the governing boards concerned that a consolidated election is required to be held. He shall also perform those duties placed upon the county superintendent of schools in Sections 1827, 1831, 1832, 1838, 1839, 1842, 1846, 1848, 1850, and 1855 of this code.

SEC. 3. Section 1835 of the Education Code is amended to read:

Polling hours

1835. In any school district governing board member election, the polls shall be opened at the same hour and kept open at least until the same hour as were the polls at the last preceding general election, except that in elementary school districts having an average daily attendance during the preceding fiscal year of less than 500, the governing board may provide that the polls shall not be opened before 9 o'clock a.m. nor closed before 7 o'clock p.m. and shall be kept open for not less than six consecutive hours. If in the latter case the elementary school district election is consolidated with a high school district election or a junior college district election or the elementary school district is a precinct for the purpose of holding such an election, the polling hours determined by the governing board of the elementary school district shall also be the polling hours for the high school or junior college district.

If the governing board of any elementary school district having an average daily attendance during the preceding fiscal year of less than 500 fails to designate the polling hours within 100 days preceding the election, the county superintendent of schools having jurisdiction may designate them.

SEC. 4. Section 1843 of said code is amended to read:

Cost of election

1843. The cost of conducting any consolidated election shall be paid by the county superintendent of schools and prorated among the school districts concerned.

SEC. 5. Section 1844 of said code is amended to read:

Ballot

1844. The form of the ballot shall be as follows:

"Official ballot provided by the superintendent of schools to be used in the governing board member election on May _____, 19___, in _____ district or districts in the County of _____."

The name of the county and school district or districts and the date of the election shall be printed or typewritten in as part of the official ballot.

Following the above there shall be listed the names of the candidates.

When a consolidated election is required to be held there shall be as many separate lists of candidates as there are school districts for which governing board members are to be elected Each list of candidates shall be headed by the name of the school district for which the persons listed are governing board member candidates. The name of each school district shall be printed in heavy-faced gothic type, or in capital letters, and shall be separated from the list of candidates beneath it by a line. The names of the school districts with the list of candidates for governing board member of each district following each name shall be arranged in the following order, as the case may require:

(a) First, elementary school district; second, high school district; third, junior college district, if there be one; or

(b) First, unified district; second, junior college district; or

(c) First, high school district; second, junior college district.

The names of the candidates for the office of governing board member of one district shall not be separated from each other on the ballot by the names of candidates for governing board member of another district, and the list of candidates for each district shall be separated from the other lists by two double rules, one below the list of candidates and one above the name of the district which precedes the list. Within each series or list the order of candidates' names shall be alphabetical, except the names of the incumbents, so designated, shall appear first in alphabetical order on the ballot. The name of each candidate shall be printed or typewritten on the ballot with a blank square after each name in which the voter may place his cross (+). Following each list of candidates, the ballot shall provide at least as many blank lines, with blank squares following, as there are members to be elected in the particular school district concerned.

Candidates for office in each school district shall be listed on the ballot as follows, whether on a separate ballot for the district or on the list for the district on a consolidated ballot:

(a) The candidates shall be placed on a single list on the ballot regardless of how many members are to be elected;

(b) In an election held under Section 1802 to elect additional governing board members, the candidates for the new offices shall be listed separately from the candidates for the existing office and shall be voted for separately;

(c) When an election to recall a governing board member is held on the third Friday in May, the candidates for the office to succeed the incumbent if he is recalled shall be listed separately from the candidates to succeed governing board members whose recall is not sought.

SEC. 6. Section 1855 of said code is amended to read:

Canvass by election officers

1855. The election officials shall fill in the blanks on the envelopes provided by the county superintendent of schools and shall enclose and seal in the envelopes the roster of voters and tally list and ballots cast at the election. The inspector of the election shall take possession of the returns. He shall either deliver them in person or mail them to the county superintendent of schools having jurisdiction who shall sign a receipt for the returns. At the time and place fixed in the notice of the election the county superintendent shall publicly canvass the returns. Upon completion of the canvass he shall certify to the governing board of each school district the names of those elected to the governing board of the district and shall issue certificates of election to the person or persons elected. Duplicates of all certificates shall be retained by the county superintendent of schools.

SEC. 7. Section 1855.1 is added to said code, to read:

Election in joint or joint union high school district

1855.1. In the case of the election of members of the governing board of a joint or joint union high school district the county superintendent under whom the consolidated election

was conducted shall certify to the county superintendent having jurisdiction over the high school district the results of the canvass of returns for the high school governing board election in those elementary districts belonging to the joint or joint union high school district in which he conducted the election.

SEC. 8. Section 1855.2 is added to said code, to read:

Tie vote

1855.2. In the event of a tie vote the county superintendent shall so certify to the governing board and the board shall thereupon determine the tie in accordance with Section 1826 of this code. The county superintendent shall thereupon issue certificates of election to the person or persons elected. The county superintendent shall keep the returns on file for one year.

SEC. 9. Section 2575 of said code is amended to read:

Election

2575. The election shall be called and conducted in all respects as specified in Article 1 of Chapter 9 of this division, except that the form of the ballot shall be: "For the annexation to the _____ School District, Yes _____, No _____." Each elector voting at the election shall mark a cross with pencil, ink, or rubber stamp after the answer he desires to give. If a majority of the votes cast 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. 10. Section 2805 of said code is amended to read:

Ballots and voting

2805. Ballots at the election, in each district, shall contain the words, "For the Union School District." After the words shall be printed the words "Yes_____, No_____." Each elector voting at the election shall mark a cross with pencil, ink, or rubber stamp after the answer he desires to give.

SEC. 11. Section 6358 of said code is amended to read:

Increase or decrease of maximum 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.

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 the issuance of school district bonds, except that notices of the election shall be signed by the county superintendent of schools. 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, except when the election is completely consolidated with another election in which the electors are notified by mail of their polling place, the time of election, and receive a sample ballot for the election and the governing board of the district in which the election is held orders otherwise, 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. If the proposed increase is a continuation of a previously authorized tax rate that fact shall be so stated.

(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.

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.

Except as otherwise herein provided, 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. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified pe-

riod of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the maximum tax rate of the district, the words to appear on the ballot shall be "Continuation of existing maximum tax rate of _____ for the years 19__ to 19___, Yes" and "Continuation of existing maximum tax rate of _____ for the years 19__ to 19___, No" or words of similar import. Each voter shall stamp or print a cross in the voting square after the answer he desires to give.

Whenever the maximum tax rate of a school district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the maximum tax rate of the district, the ballot used in the election shall show only the authorized maximum tax rate of the district in effect at the time of the election and the proposed maximum 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.

CHAPTER 1490

An act to add Section 2058 to the Unemployment Insurance Code, relating to youth employment programs.

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 2058 is added to the Unemployment Insurance Code, to read:

2058. The department shall cooperate with other departments, agencies, and institutions both public and private in providing youth placement services and in the development of youth employment programs

The department shall maintain current information on operations within the State of all types of youth employment programs such as the Youth Employment Service (Y. E. S.) and the Youth Employment Organization (Y. E. O.) plans, the work experience experimental program of the Department of Education, the Berkeley Workreation program, the effort by the Congress of Youth Coordinating Councils, and other similar programs. Upon request the department shall distribute to public and private agencies and groups information concerning any or all recognized plans for developing youth employ-

ment programs, the cooperative services offered by the various state and other public agencies in the field of youth employment, and the methods of initiating and developing such programs.

CHAPTER 1491

An act to amend Sections 6489, 6497, 6499, 6515.5, 6541, 6588.1, 6593, 6783, 6830, 6875, the heading of Article 4 (commencing at Section 6885), Chapter 9, Part 1, Division 6, and Section 6917 of, to add Sections 6491.1, 6885, 6918, 6919, 6921, 6922, 6923, and 6924 to, and to repeal Sections 6407, 6541.5, and 6885 of, the Health and Safety Code, relating to sanitary 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. Section 6407 of the Health and Safety Code is repealed. Repeal

SEC. 2. Section 6489 of said code is amended to read:

6489. Each of the members of the board may receive not to exceed twenty-five dollars ($25) for each day of his actual attendance of the meetings of the board, such compensation to be established by order of the board and entered upon its minutes. No member of the sanitary board shall, however, receive not to exceed seventy-five dollars ($75) in any calendar month. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board. Compensation and expenses

Each member of the sanitary board shall be allowed eleven cents ($0.11) 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.

SEC. 3. Section 6497 of said code is amended to read:

6497. (1) The sanitary board of sanitary districts may classify all the places of employment in or under the district, and in or under all the offices and departments of the district, with reference to the examinations hereinafter provided for. The places so classified by the sanitary board may constitute the classified civil service of the district, and no appointment to any such place shall be made except according to the rules hereinafter mentioned. Sanitary boards. Position classification, etc.

(2) The sanitary board may make rules to carry out the purposes of this section, and for examinations, appointments, promotions, and removals, and may from time to time make changes in existing rules. All rules and all changes therein shall be forthwith printed for distribution by the sanitary board.

(3) The examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of manual or professional skill The selection of laborers shall be governed by priority of application as far as may be practicable. No questions in any examination shall relate to political or religious opinions or affiliations. The sanitary board shall control all examinations.

SEC. 4. Section 6499 of said code is amended to read:

Expenses

6499. Any county officer required to act as an officer of the district and perform services for the district by virtue of his office, shall be entitled to reimbursement from the district for the reasonable and actual expenses incurred by him while acting on behalf of the district, to be paid into the county treasury. The amount of such reimbursement shall not exceed the actual expense incurred by the county officer.

SEC. 5. Section 6491.1 is added to said code, to read:

Regulations

6491.1. The district board may, by general regulation, adopt codes or specifications controlling the manner of construction, repair, maintenance and operation of facilities referred to in Sections 6512 and 6522. Such codes or specifications need not be set out in full in such general regulation but may be incorporated therein by reference. Copies of such codes or specifications shall be available for examination in the office of the secretary at all times.

SEC. 6. Section 6515.5 of said code is amended to read:

Bids

6515.5. If the total cost of any work exceeds two thousand five hundred dollars ($2,500), the district shall publish a notice requesting bids therefor by publication for once a week for two consecutive weeks in a newspaper of general circulation in the county in which the district is located and may award the contract to the lowest responsible bidder. The notice shall state the time and place for receiving and opening of sealed bids and describe in general terms the work to be done.

If more than one bid is received, the board may award a contract, as specified in the notice requesting bids, to the lowest responsible bidder. If only one bid is received, the board may either accept the bid or reject it and enter into a contract as provided in Section 6515 or order the work done by day's work. If no bids are received, the board may either enter into a contract as provided in Section 6515 or order the work done by day's work.

SEC. 7. Section 6541 of said code is amended to read:

Applicable laws

6541. The Improvement Act of 1911, the Street Opening Act of 1903, the Improvement Bond Act of 1915, the Street Improvement Act of 1913, and the Municipal Improvement Act of 1913 are applicable to districts.

Repeal

SEC. 8. Section 6541.5 of said code is repealed.

SEC. 9. Section 6588.1 of said code is amended to read:

Elections

6588.1. If, on the fortieth 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 or for the office of assessor to be filled at that election, or no one has been nominated for such office, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, 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 fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

SEC. 10. Section 6593 of said code is amended to read:

6593. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within 24 hours after the closing of the polls. Within 15 days after the time for receipt of absentee ballots shall have expired, the board shall canvass the returns, and shall deliver a certificate of election to each officer elected. Canvass

SEC. 11. Section 6783 of said code is amended to read:

6783. The board shall then, on or before August 10th, estimate the amount of money needed and fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold. Fixing rate of tax

SEC. 12 Section 6830 of said code is amended to read:

6830. In the manner provided in this part, there may be annexed to a district any of the following territory which is in the same county as the district: Annexation

(a) Any territory contiguous to the district.

(b) Any territory any point of which touches any point of the district.

(c) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right of way, water course, lagoon, or other natural barrier.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

SEC. 13. Section 6875 of said code is amended to read:

Publication

6875. It shall be published at least two weeks preceding the 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, except that if all of the owners of property in a proposed annexation have petitioned therefor, the publication shall contain a notice of the hearing of the petition only.

SEC. 14. The heading of Article 4 (commencing at Section 6885), Chapter 9, Part 1, Division 6 of said code is amended to read:

Article 4. Alternative Procedure for Annexation of Territory

Repeal

SEC. 15. Section 6885 of said code is repealed.

SEC. 16. Section 6885 is added to said code, to read:

Alternative procedure

6885. The procedures of this article are alternative to other procedures for the annexation of territory.

SEC. 17. Section 6917 of said code is amended to read:

Board order after verified petition

6917. This section provides an alternative procedure for the exclusion of any portion of territory within a district. Any portion of a district which is not substantially and directly benefited by being in the district, or by its continued inclusion therein, may be excluded from the district by order of the district board upon receipt of the verified petition of the owners in fee of land within that portion of the district, which has an assessed value with improvements in excess of one-half of the assessed value of all the privately owned land and improvements in the portion of the district proposed to be excluded

SEC. 18. Section 6918 is added to said code, to read:

Boundaries

6918 The petition shall designate specifically the boundaries of the territory proposed to be excluded and its assessed valuation and the assessed valuation of the real property owned by each petitioner as shown by the last equalized assessment roll and shall ask that the territory be excluded from the district.

SEC. 19. Section 6919 is added to said code, to read:

Notice of petition

6919 Notice of receipt of the petition shall be mailed to each property owner in the territory proposed to be excluded, as such property owners appear in the last equalized assessment roll.

SEC. 20. Section 6921 is added to said code, to read:

Hearing

6921. If upon the hearing, the district board determines that it is for the best interests of the district that all or any part of the portion of the district proposed to be excluded be excluded from the district or if it determines that all or part of such portion will not be benefited by continued inclusion in the district, the district board shall make its order describing

the boundaries of the territory proposed to be excluded and shall present to the county board of supervisors a petition setting forth a description of the territory and the findings of the board and requesting the board of supervisors to exclude the territory from the district.

SEC. 21. Section 6922 is added to said code, to read:

6922. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order, alter the boundaries of the district and exclude from it the territory described in the petition of the board, and the territory shall then be excluded from the district. Exclusion

SEC. 22. Section 6923 is added to said code, to read:

6923. In the event the district board should deny the petition for exclusion, the petitioners therefor may, within 90 days after the order of the district board denying exclusion, appeal such denial to the board of supervisors. The board of supervisors shall thereupon give notice in writing to the district board of receipt of such appeal and the date of a hearing thereon. At such hearing the board of supervisors shall determine if all or part of such portion sought to be excluded will not be benefited by continued inclusion in the district. If it shall so determine, the board of supervisors shall make its order describing the boundaries of the territory to be excluded and said territory shall then be excluded from the district. Appeal

SEC. 23. Section 6924 is added to said code, to read:

6924. Any portion of a district, which is excluded from the district shall, nevertheless, be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations of the district outstanding at the time of the filing of the petition for exclusion of the area, as fully as though that portion of the district had not been withdrawn. Taxes

CHAPTER 1492

An act to add Section 1300.16-1 to the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1300.16-1 is added to the Agricultural Code, to read:

1300.16-1. Any producer who sells a growing crop to be harvested and marketed by another person shall be entitled to assent to, or vote in a referendum upon, a marketing order or major amendment thereto; provided, at the time of sale of such growing crop such producer retains the exclusive right so to assent or to so vote; and provided further, that the quantity of such growing crop so harvested or marketed can be determined to the satisfaction of the director.

CHAPTER 1493

An act to amend Sections 4 and 13.7 of the Sonoma County Flood Control and Water Conservation District Act (Stats. 1949, Ch. 994), relating to the Sonoma County Flood Control and Water Conservation District.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 4 of the Sonoma County Flood Control and Water Conservation District Act is amended to read:

Sec. 4. The Board of Supervisors of the County of Sonoma shall be, and they are hereby designated as, and empowered to act as, ex officio the board of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act. The board may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvement provided in this act. Each member of the board of directors of the district shall receive as compensation for his services as a member of the board of the district one hundred dollars ($100) per month and his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district, which compensation shall be in addition to his salary as county supervisor. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein.

SEC. 2. Section 13.7 of said act is amended to read:

Sec. 13.7. At the hearing the board shall hear testimony of all interested persons for or against the establishment of the zone, the inclusion therein of any lands that would not be benefited or the failure to include any lands which would be benefited, and the undertaking of the project of works of improvement. The board shall also receive any written protests by any interested person concerning the establishment of the zone which are filed with the clerk of the board on or before the time fixed for the hearing. Written protests may be withdrawn at any time before the hearing. The hearing may be continued

from time to time for a period not to exceed 60 days. At the conclusion of the hearing the board shall consider all testimony and protests presented to it concerning the establishment of the zone, and may, if it determines it to be in the best interests of the district, establish the zone. If the board determines to establish the zone, it shall, by resolution, so declare and fix the boundaries and designate the projects or works of improvement to be performed therein No land which will not be benefited in the opinion of the board or which was not described in the resolution of intention within the boundaries of the proposed zone shall be included in any zone or annexed to any existing zone. The board may without notice and hearing undertake additional works of improvement within an existing zone and all zones created under this act shall be deemed to be created for the purpose of undertaking any works of improvement authorized to be undertaken by the Sonoma County Flood Control and Water Conservation District or a zone created under this act which in the opinion of the board will be beneficial to the zone. The board may levy and use up to five cents ($0 05) of the tax authorized by Section 13 9 for undertaking such additional works of improvement.

CHAPTER 1494

An act to add Section 2156 to the Streets and Highways Code, relating to city street and county road deficiencies.

[Approved by Governor July 4, 1957 Filed with Secretary of State July 6, 1957]

In effect September 11, 1957

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

SECTION 1. Section 2156 is added to the Streets and Highways Code, to read:

2156. Every county and every city shall prepare an annual report on road and street deficiencies pursuant to the following: Annual report

(a) On or before June 1st of each year, the county road commissioner in each county shall submit to the board of supervisors an annual report on deficiencies existing on the county road system and such report shall include:

(1) An itemized list of the road deficiencies and an estimate of the cost to be incurred in eliminating such deficiencies;

(2) A plan or alternative plan for the financing of such improvements to the county road system, specifying the source or sources of funds for such expenditures;

(3) A list of the construction projects completed during the year and expenditures therefor;

(4) A list of construction projects in process as of June 1st of each year and the estimated completion cost and completion date for each project; and

(5) Such other technical or financial information as the road commissioner may deem appropriate or as may be requested by the board of supervisors

(b) Each city council shall designate the appropriate city official who shall submit to the city council on or before June 1st of each year an annual report of deficiencies existing on the city street system and such report shall include the following:

(1) An itemized list of the street deficiencies and an estimate of the expenditures to be incurred in eliminating such deficiencies;

(2) A plan or alternative plan for the financing of such improvements to the city street system, specifying the source or sources of funds for such expenditures;

(3) A list of the construction projects completed during the year and expenditures therefor;

(4) A list of construction projects in process as of June 1st of each year and the estimated completion cost and completion date for each project; and

(5) Such other technical or financial information as the city official may deem appropriate or as may be requested by the city council.

(c) The annual reports on county road and city street deficiencies shall be prepared in accordance with the instructions contained in the document entitled "Engineering Standards and Instructions for County Road and City Street Deficiency Surveys," appearing in the Senate Journal of the 1957 Regular Session for April 4, 1957, commencing on page 1643 thereof.

CHAPTER 1495

An act to amend Section 1054a of the Code of Civil Procedure, relating to undertakings.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 1054a of the Code of Civil Procedure is amended to read:

Deposits in lieu of undertaking

1054a. In all civil cases, wherein an undertaking is required, the party required to furnish such undertaking may, in lieu thereof, deposit with the sheriff, constable, marshal, the clerk of the court, or with the judge where there is no clerk:

(a) A sum of money in lawful money of the United States equal to the amount required to be secured by said undertaking; or,

(b) Bearer bonds or bearer notes of the United States or the State of California having a market value at least equal to the amount of the corporate surety bond otherwise required or permitted to be furnished, together with an agreement executed by the party making such deposit authorizing such

sheriff, constable, marshal, clerk of the court, or judge where there is no clerk, to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations so guaranteed. Unless agreed upon by stipulation of the parties in interest, the market value of such bearer bonds or bearer notes shall be determined by the court as hereinafter provided.

Any party desiring to deposit bearer bonds or bearer notes of the United States or of the State of California, as in this section provided, may file a written application with the court to fix the market value of such bonds or notes. Such application shall specifically describe such bonds or notes desired to be deposited, and state the current market value thereof as of the date of the filing of such application, and the amount thereof which applicant believes would be equal to the amount of the corporate surety bond otherwise required or permitted to be furnished. Such application shall be served upon all of the parties in interest and proof of such service shall be filed with such application. Such application shall be heard by the court at a time fixed by it but such time shall be not less than five days nor more than 10 days after the service of such application If, at the time of the hearing on said application, no objection is made as to the current market value of such bearer bonds or bearer notes as alleged in such application, the court shall fix the amount of such bonds or notes to be so deposited on the basis of the market value alleged in said application. If any party in interest appearing at said hearing contends that the current market value of such bearer bonds or bearer notes as alleged in said application is less than set forth in said application, plaintiff shall offer evidence in support of his application, and any party in interest may offer evidence to the contrary. At the conclusion of said hearing, the court shall make an order determining the market value of such bearer bonds or bearer notes and fix and determine the amount thereof to be so deposited by applicant. A certified copy of said stipulation or order together with such bearer bonds or bearer notes shall be delivered to the sheriff, constable, marshal, clerk of the court, or with the judge where there is no clerk, at the time of the deposit.

If bearer bonds or bearer notes are deposited to fulfill the requirements of Sections 942, 945 and 978 of the Code of Civil Procedure, the agreement required by this section to be deposited with the person with whom such bonds or notes are deposited, shall contain a provision substantially as follows:

If the said judgment appealed from, or any part thereof, be affirmed, or the appeal be dismissed, the appellant shall pay the amount directed to be paid by the said judgment or the part of such amount as to which the said judgment shall be affirmed, and all damages and costs which may be awarded against the appellant upon the appeal; if appellant does not make such payment within 30 days after the filing of the remittitur from the appellate court in the court from which the

appeal is taken, the bearer bonds or bearer notes so deposited, upon notice and order of court as in this section provided, shall be sold and the proceeds shall be distributed in the following order: first, to pay the cost of sale of such bearer bonds or bearer notes; second, to pay the amount of the judgment or the part thereof affirmed; and third, the remainder, if any, shall be delivered to the appellant.

The sheriff, constable, marshal, clerk of the court, or the judge where there is no clerk, with whom said bearer bonds and bearer notes have been deposited, shall, on demand, deliver to the party making such deposit, or his attorney, any interest coupons attached to said bearer bonds or bearer notes, as the same shall become due and payable.

In all cases in which bearer bonds or bearer notes are deposited pursuant to the provisions of this section, the party making such deposit shall have 30 days from the date on which the judgment in question becomes final to pay such judgment. Thereafter, upon order of the court issued upon five days' notice to the parties, such bearer bonds or bearer notes shall be sold and the proceeds distributed as provided in said agreement.

Such bearer bonds or bearer notes when so deposited shall have the same force and effect as the undertaking otherwise required or permitted to be furnished.

CHAPTER 1496

An act to amend Section 1403 of, and add Section 1404 to, the Fish and Game Code, and amend Sections 4600, 4601, 4602, 4603, 4604, 4605, and 4606 of, and to add Section 4187 to, the Fish and Game Code as proposed by Assembly Bill No. 616, relating to burros.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 1403 of the Fish and Game Code is amended to read:

Undomesticated burros

1403. It is unlawful to kill, wound, capture, or have in possession any undomesticated burro, except as hereinafter provided in this section or under a permit issued pursuant to Section 1404. 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 or persons 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. The commission or any other department or agency has no power to modify the provisions of this section

by any order, rule, or regulation under Article 1, Chapter 2, Division 1, or any other provision, of this code, or any other law of this State.

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.

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. 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. 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 transfer only that interest in such burros.

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.

Any wilful violation of the provisions of a permit issued under this section is unlawful.

SEC. 2. Section 1404 is added to said code, to read:

Property damage

1404. 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.

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. 11. Sections 3 to 10, inclusive, 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 1403 and 1404 of the Fish and Game Code adopted in 1933, are repealed.

CHAPTER 1497

An act to amend Sections 3276 and 4605 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to fish and game.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

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.

CHAPTER 1498

An act to amend Sections 389 and 442 of, and to add Section 389.5 to, the Code of Civil Procedure, relating to parties to civil actions.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 442 of the Code of Civil Procedure is amended to read:

Cross-complaint

442. Whenever the defendant seeks affirmative relief against any person, whether or not a party to the original action, relating to or depending upon the contract, transaction, matter, happening or accident upon which the action is brought or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, and such parties may demur or answer thereto, or file a notice of motion to strike the whole or any part thereof, as to the original complaint. If any of the parties affected by the cross-complaint have not appeared in the action, a summons upon the cross-complaint must be issued and served upon them in the same manner as upon the commencement of an original action.

SEC. 2. Section 389 of said code is amended to read:

Indispensable party

389. A person is an indispensable party to an action if his absence will prevent the court from rendering any effective judgment between the parties or would seriously prejudice any party before the court or if his interest would be inequitably affected or jeopardized by a judgment rendered between the parties.

A person who is not an indispensable party but whose joinder would enable the court to determine additional causes of action arising out of the transaction or occurrence involved in the action is a conditionally necessary party.

When it appears that an indispensable party has not been joined, the court shall order the party asserting the cause of action to which he is indispensable to bring him in. If he is not then brought in, the court shall dismiss without prejudice all causes of action as to which such party is indispensable and may, in addition, dismiss without prejudice any cause of action asserted by a party whose failure to comply with the court's order is wilful or negligent.

When it appears that a conditionally necessary party has not been joined, the court shall order the party asserting the cause of action to which he is conditionally necessary to bring him in if he is subject to the jurisdiction of the court, if he can be brought in without undue delay, and if his joinder will not cause undue complexity or delay in the proceedings. If he is not then brought in, the court may dismiss without prejudice any cause of action asserted by a party whose failure to comply with the court's order is wilful or negligent.

Whenever a court makes an order that a person be brought into an action, the court may order amended or supplemental pleadings or a cross-complaint filed and summons thereon issued and served.

If, after additional conditionally necessary parties have been brought in pursuant to this section, the court finds that the trial will be unduly complicated or delayed because of the number of parties or causes of action involved, the court may order separate trials as to such parties or make such other order as may be just.

SEC. 3. Section 389.5 is added to said code, to read:

389.5. When, in an action for the recovery of real or personal property, or to determine conflicting claims thereto, a person not a party to the action but having an interest in the subject thereof makes application to the court to be made a party, it may order him to be brought in by the proper amendment. Interested party. Recovery of property

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CHAPTER 1499

An act to amend Sections 1091 and 36526 of the Government Code, relating to transactions involving public officials.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board Interest in contract

authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) The ownership of less than 5 percent of the shares of a corporation for profit;

(2) That of a nonsalaried officer of a nonprofit corporation;

(3) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(4) That of an employee of the contracting party having 10 or more other employees; provided, that the officer was an employee of said contracting party for at least three years prior to his initially accepting such office.

(5) That of a parent in the earnings of his minor child for personal services;

(6) That of a landlord or tenant of the contracting party; or

(7) That of an attorney of the contracting party.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The wilful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 2. Section 36526 of said code is amended to read:

Same

36526. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of Section 36525 if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) The ownership of less than 5 percent of the shares of a corporation for profit;

(2) That of a nonsalaried officer of a nonprofit corporation;

(3) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(4) That of an employee of the contracting party having 10 or more other employees; provided, that the officer was an employee of said contracting party for at least three years prior to his initially accepting such office;

(5) That of a parent in the earnings of his minor child for personal services;

(6) That of a landlord or tenant of the contracting party; or

(7) That of an attorney of the contracting party.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The wilful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 36528. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

CHAPTER 1500

An act to amend Sections 26700 and 26703 of, and to add Section 26728.5 to, the Water Code, relating to irrigation districts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 26700 of the Water Code is amended to read:

26700. The owners in fee of not less than one-half in area of a tract of land that is a portion of a district may jointly or severally file with the board a petition, praying that the tract be excluded from the district. A petition for exclusion may also be filed by the governing body of a city to which land in a district has been annexed. Exclusion petition

SEC. 2. Section 26703 of said code is amended to read:

26703. A petition for exclusion shall set forth all of the following: Contents

(a) The reasons why it is claimed that the tract should be excluded.

(b) A description of the tract.

(c) A description of the land of each petitioner which is proposed to be excluded or in case the petition is by the governing body of a city, the description of the land in the district which has been annexed to the city and a statement of such annexation. The description need not be more particular than is required when the land is entered in the assessment roll by the county assessor.

(d) A description of the land in the tract proposed to be excluded of each owner of record who does not sign the petition together with the name of its owner according to the

records of the county recorder of the county in which the land is situated.

SEC. 3. Section 26728.5 is added to said code, to read:

Denial of petition

26728.5. The board may deny, without a hearing, a petition filed by the governing body of a city to which land in a district has been annexed, but such denial shall be without prejudice to the right of the owners of the land denied exclusion to file a petition for exclusion pursuant to this chapter.

CHAPTER 1501

An act to convey certain tide and submerged lands to the City of Vallejo, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. There is hereby granted to the City of Vallejo, a municipal corporation in the County of Solano, State of California, and to its successors all of the right, title, and interest of the State of California, held by said State by virtue of its sovereignty in and to all of the tide and submerged lands bounded and described as follows:

All of the tide and submerged lands situate on the northeasterly shore of San Pablo Bay, immediately west of and adjacent to Mare Island Naval Shipyard, bounded on the south and west by Solano County boundary and on the north by lands of the City of Vallejo as described in Chapter 483, Statutes of 1947, 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 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, said point being the true point of beginning of the parcel of tide and submerged lands herein described; and running thence South 71° West, to the western boundary line of Solano County; thence along said county boundary line approximately South 26°-30′ East, to the point of intersection thereof with the southern boundary line of said county; thence easterly along said southern boundary line of Solano County to the point of intersection thereof with the western boundary line of said United States Government Lands; thence northeasterly, northerly and northwesterly along last said western boundary line and its meanderings, to the point of

intersection thereof with said northern boundary line of United States Government Lands; thence northeasterly along last said northern boundary 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. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of Solano 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.

CHAPTER 1502

An act to amend Sections 3.4 and 4.1 of, and to add Sections 20, 20.1, 20.2, 20.3, and 20.4 to, the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951), relating to the Solano County Flood Control and Water Conservation District.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 3.4 of the Solano County Flood Control and Water Conservation District Act is amended to read:

Sec. 3.4. The district shall have the power of eminent domain to acquire within the district by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution and Title 7, Part 3 of the Code of Civil Procedure, as now existing or hereafter amended, all property or interests therein necessary or convenient for carrying out the powers and purposes of the district except that the district shall not have power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby

declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate or interest in any property which the board of directors by resolution shall determine is necessary for carrying out the purposes of the district. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the district.

SEC. 2. Section 4.1 of said act is amended to read:

Sec. 4.1. The district shall have the power: to control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs; and otherwise to reduce the waste of water and to protect life and property from floods within the district.

SEC. 3. Section 20 is added to said act, to read:

Sec. 20. The board of directors may by its resolutions adopted from time to time establish zones within the territory of the district without reference to the boundaries of other zones, setting forth in such resolutions legal descriptions thereof and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board of directors may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on 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. Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 20.1 of this act.

SEC. 4. Section 20.1 is added to said act, to read:

Sec. 20.1. The board of directors may institute projects for the financing, acquiring, constructing, maintaining, operating, extending, repairing or improving of any work or improvement to make water available for beneficial use or to control flood or storm waters which work or improvement is of common benefit to a zone. For the purpose of acquiring authority to proceed with any such project the board of directors shall by its resolution determine that the work or improvement is for the benefit of a single zone and specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the zone 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 once a week for two (2) consecutive weeks prior to the hearing, 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 within the zone. Said notice shall designate a public place in the district 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 of directors shall consider all written and oral objections to the proposed project and to the inclusion or exclusion of property within the proposed zone or participating zone. Upon the conclusion of the hearing the board of directors 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, 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 of directors, and if the board proceeds with a proposed project it shall exclude from the zone all property which will not be benefited by the proposed project.

In all matters in this section referred to, the last equalized assessment roll of the County of Solano 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 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 of directors 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, 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 do so.

The board of directors 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. 5. Section 20.2 is added to said act, to read:

Sec. 20.2. The board of directors shall have the power, in any year:

(a) To levy taxes or assessments in each or any of said zones to pay the cost and expenses of carrying out, acquiring, 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; provided, however, that said tax or assessment shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the zone. Said taxes or assessments may be levied by either of the following methods:

(1) By a levy or assessment upon all property within a zone, including land, improvements thereon, and personal property;

(2) By a levy or assessment upon all real property within a zone, including both land and improvements thereon. It is declared that for the purpose of any tax or assessment levied under this subdivision (a) the property so taxed or assessed within a given zone is equally benefited.

(b) To levy taxes or assessments by either method authorized by subdivision (a) of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the acquiring, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

If the district enters into a contract with a governmental body pursuant to Section 5.9 of this act by the terms of which work is to be performed by such governmental body if any specified zone, for the particular benefit thereof, and by said contract the district is to pay to such governmental body a sum of money in consideration or subvention for the performance of said work by such governmental body, the board of directors may levy and collect a special tax or assessment upon the property in such zone, whereby to raise bonds 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 taxes or assessments

shall be paid into the county treasury to the credit of the respective zones thereof, and the board of directors 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 subdivisions (a) or (b) of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, or for projects authorized or established outside such zone, or zones, but for the benefit thereof.

Any tax or assessment levied pursuant to this section upon any particular zone or zones shall not be subject to the provisions of Section 10.1 of the act.

SEC. 6. Section 20.3 is added to said act, to read:

Sec. 20.3. (a) Whenever the board of directors shall determine that a bonded indebtedness should be incurred by any zone to pay the cost of any work or improvement in said zone, the board may, by resolution, determine and declare the respective amounts of bonds necessary to be issued in said zone in order to raise the amount of money necessary for such 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 Solano 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.

(b) Thereafter the board of directors may call a special election at which shall be submitted to the qualified electors in said zone the question of whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. All of the provisions of this act relating to bonds of the district shall be applicable to bonds of a zone except that Section 9.1 of this act shall not apply to bonds of a zone.

SEC. 7. Section 20.4 is added to said act, to read:

Sec. 20.4. Any bonds issued in any zone 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 clause (1) or (2) of subdivision (a) of Section 20.2 of this act. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

CHAPTER 1503

An act to amend Sections 74842, 74843, 74844, 74845, and 74847 of, and to add Sections 74848 and 74849 to, the Government Code, relating to the municipal court established in a district embracing the City of Vallejo.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 74842 of the Government Code is amended to read:

Clerk Salary

74842. There shall be one clerk who shall receive a minimum salary of four hundred fifteen dollars ($415) monthly with increments of twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-three dollars ($23) and twenty-four dollars ($24) and twenty-five dollars ($25) and twenty-six dollars ($26) to a maximum of five hundred fifty-six dollars ($556) monthly.

SEC. 2. Section 74843 of said code is amended to read:

74843. The clerk may appoint:

Deputy clerks Salaries

(a) One deputy clerk, grade 4, who shall receive a minimum salary of three hundred ten dollars ($310) monthly with increments of fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

(b) Two deputy clerks, grade 3, each of whom shall receive a minimum salary of two hundred eighty-one dollars ($281) monthly with increments of fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

(c) Two deputy clerks, grade 2, each of whom shall receive a minimum salary of two hundred forty-three dollars ($243) monthly with increments of twelve dollars ($12) and thirteen dollars ($13) and thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) to a maximum of three hundred twenty-five dollars ($325) monthly.

(d) Three deputy clerks, grade 1, each of whom shall receive a minimum salary of two hundred twenty dollars ($220) monthly with increments of eleven dollars ($11) and twelve dollars ($12) and twelve dollars ($12) and thirteen dollars ($13) and thirteen dollars ($13) and fourteen dollars ($14) to a maximum of two hundred ninety-five dollars ($295) monthly.

SEC. 3. Section 74844 of said code is amended to read:

Marshal Salary

74844. There shall be one marshal who shall receive six thousand six hundred dollars ($6,600) annually.

SEC. 4. Section 74845 of said code is amended to read:

74845. The marshal may appoint:

Assistants Salaries

(a) Three deputy marshals, grade 3, each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with increments of seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(b) One deputy marshal, grade 2, who shall receive a minimum salary of three hundred ten dollars ($310) monthly with increments of fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

(c) Two deputy marshals, grade 1, each of whom shall receive a minimum salary of two hundred eighty-one dollars ($281) monthly with increments of fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

(d) One intermediate clerk who shall receive a minimum salary of two hundred forty-three dollars ($243) with increments of twelve dollars ($12) and thirteen dollars ($13) and thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) to a maximum of three hundred twenty-five dollars ($325) monthly.

SEC. 5. Section 74847 of said code is amended to read:

74847. After six months of satisfactory employment at the minimum rate of salary, the attache shall receive the first increment in salary. The second and all subsequent increments in salary shall be given not as a matter of right but only when the judge determines that the attache is properly entitled to receive it. Subsequent increments in salary shall be given in accordance with the following schedule:

Increments

(a) An employee may receive the second increment beginning as of the first day of the month following completion of six months of service at the first increment.

(b) An employee may receive the third increment beginning as of the first day of the month following completion of 12 months of service at the second increment.

(c) An employee may receive the fourth increment as of the beginning of the month following completion of 18 months of service at the third increment.

Notwithstanding the foregoing provisions of this section, an employee who is promoted or reclassified from one class to another class having a higher overlapping salary range shall receive at least the minimum salary of the new range, if it is greater than the employee's salary prior to promotion or reclassification, or one step greater than the employee's salary prior to promotion; and further, the promoted employee shall

be entitled to periodic increments in the new class of position in accordance with time served in the various steps in the new class of position or as set forth above.

SEC. 6. Section 74848 is added to Article 33 of Chapter 10, of Title 8 of said code, to read:

74848. Advancement through the first five steps of the foregoing seven steps salary ranges shall be as set forth above with the further provision that, in order to maintain comparability with county salaries, the judge may, in concurrence with the board of supervisors, establish any five steps within the seven steps as the prevailing salary range.

SEC. 7. Section 74849 is added to Article 33 of Chapter 10 of Title 8 of said code, to read:

Other benefits

74849. In addition to the compensation provided in this article, the clerks and other attaches of the municipal court, shall receive, and they shall be entitled to, the same vacation, sick leave and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of Solano.

CHAPTER 1504

An act to amend Section 28119 of the Government Code, relating to compensation for public service in counties of the nineteenth class.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 28119 of the Government Code is amended to read:

28119. In a county of the nineteenth class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services rendered including mileage. If required to go on business to any point outside of the county, he shall be allowed actual expenses.

(d) Trial jurors in the superior court five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of ten cents ($0.10) for each mile traveled one way each day.

CHAPTER 1505

An act to add Section 69891.1 to the Government Code, relating to compensation of court stenographers or secretaries.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 69891.1 is added to the Government Code, to read:

69891.1. In each county with a population of less than 105,000 and more than 104,000, as determined by the 1950 census, to assist the court in the transaction of its judicial business, the judges of the court may appoint one competent stenographer or secretary skilled in such work for each judge of the superior court of the county who is to render such service as the judge may require each day.

The monthly salary of each stenographer or secretary shall be equal to the salary established by the Board of Supervisors of the county for the class of senior stenographer clerk or equivalent. The provisions of the county salary ordinance pertaining to advancement within the salary range shall govern the within-range advancement of the stenographer or secretary of each judge.

The salary shall be paid out of the salary fund of the county or, if there is none, out of such fund as other salary demands against the county are paid. The salary shall be allowed and audited in the same manner as the law requires for other salary demands against the county.

CHAPTER 1506

An act to amend Section 4536 of the Elections Code, relating to elections.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4536 of the Elections Code is amended to read:

4536. No officer shall issue any certificate of nomination or election to any person until his campaign statement has been filed. No other statement of expenses at a primary shall be required. The officer, with whom campaign statements must be filed pursuant to Section 4533, shall send to him the necessary forms for submitting his campaign statement not more than three (3) days after the election.

CHAPTER 1507

An act to amend Section 301 of the Education Code, relating to county boards of education.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 301 of the Education Code is amended to read:

301. Except in a city and county, there shall be a county board of education, which shall consist of five or seven members to be determined by the county committee on school district organization. Not later than March 1, 1956, the county committee on school district organization shall file in writing its determination of the number of members of the county board of education and the designated trustee areas in the county with the county board of supervisors. Each member of the board shall be an elector of the trustee area which he represents and shall be elected by the electors of the trustee area. In chartered counties the manner of selection of the county board of education shall be prescribed in the county charter, or by the county board of supervisors. In a county unified school district or in a unified school district which includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district shall serve as the county board of education.

SEC. 2. This act shall become effective July 1, 1959.

CHAPTER 1508

An act to add Section 1243.5 to the Code of Civil Procedure, relating to notice to take immediate possession in condemnation proceedings.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 1243.5 is added to the Code of Civil Procedure, to read:

1243.5. (a) In any case in which the State, a county, a municipal corporation, a public corporation, or a district takes immediate possession of lands to be used for reservoir purposes, or a right of way, pursuant to Section 14 of Article I of the Constitution of this State, the State, or such county, municipal corporation, public corporation, or district, as the case may be, shall, at least three days prior to the time possession is taken, personally serve on or mail to the record owner or owners of the property, if known, and the person or

persons in possession of the property, if any, either a copy of the order of the court authorizing such possession or a notice thereof. If the order or notice is mailed it shall be sent by certified mail and, if sent to the owners, it shall be addressed to them at their last known address. A single service upon or mailing to those at the same address shall be sufficient. The latest secured assessment roll in the county where the property is located may be used to ascertain the names and addresses of the owners of the property.

CHAPTER 1509

An act to add Section 710.1 to the Vehicle Code, relating to notice of intention to move or transport houses and buildings.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 710.1 is added to the Vehicle Code, to read:

710.1. Building Mover's Notice to Railroad. Any house moving contractor or other person who by contract or otherwise moves or transports a dwelling house or other building across railroad track shall furnish to the division or district superintendent of the railroad company operating such tracks written notice of intention to make such movement at least 36 hours prior to doing so. The written notice of intention to make such a movement shall contain the name of the street, highway or road over which such dwelling house or other building will be moved across the railroad tracks, the approximate time of day such movement will be made and such other information as may be necessary to enable the railroad company to take precautionary measures to avoid a collision by a train with such dwelling house or other building.

CHAPTER 1510

An act to add Chapter 2a (commencing at Section 165) to Division 2 of the Agricultural Code and to repeal Section 1324 of the Fish and Game Code, and repeal Section 2251 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to nutria.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 2a (commencing at Section 165) is added to Division 2 of the Agricultural Code, to read:

CHAPTER 2A. NUTRIA

Permits

165. All persons rearing or importing nutria (South American beaver, coypu) shall provide for the care of these animals in pens that shall preclude their escape, and shall obtain a permit from the department which will allow for the importation or holding of these animals. The fee for such a permit is ten dollars ($10).

165.1. All such permits for importing or holding nutria shall be prominently displayed on or near their holding pens. Such permits are valid for the term of one year from July 1st.

Reports

165.2. Every permittee shall make a written report to the department in the form of a receipt from a receipt and record book supplied by the department within five days after the sale, gift or exchange of nutria and every permittee on or before June 30th of each year shall make an annual written report to the department on forms supplied by the department.

Sale, etc., of nutria

165.3. Nutria may be sold, given, or exchanged only to persons who hold valid nutria permits. At the time of the sale, gift or exchange the person who sells, gives or exchanges nutria shall issue an original receipt from the receipt and record book, supplied by the department, to the person receiving the nutria. Such receipt shall show the number of nutria, the name and address and the nutria permit number of the person receiving the nutria. Any such nutria may be shipped or transported in California only when accompanied by the original receipt.

Nutria holding pens

165.4. The walls and floors of nutria holding pens shall be constructed of materials that will preclude their escape by climbing, gnawing, or burrowing. The pens shall have perpendicular side walls of not less than three feet in height with a smooth surface on the inside of the pen. Pens shall be completely surrounded by a wire mesh fence of not more than one and one-half inch mesh at the bottom with stays spaced not less than six inches apart and shall be not less than four feet in height. Posts shall be spaced close enough to prevent the fence from sagging. The type of fencing material known as poultry and garden fence will be satisfactory.

165.5. Nutria pens shall be open to inspection at all times by the department or the commissioner and any permit may be revoked by the director for the violation of any of the provisions of this article. The proceedings to revoke a nutria permit 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.

165.6. The director and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this chapter.

SEC. 2. Section 1324 of the Fish and Game Code is repealed.

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. 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 1324 of the Fish and Game Code adopted in 1933 is repealed.

SEC. 5. The provisions of this act shall become operative on July 1, 1958. Operative date

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CHAPTER 1511

An act to amend Sections 7103.1 and 7103.2 of the Education Code, relating to the education of severely mentally retarded minors.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 7103.1 of the Education Code is amended to read:

7103.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to the district, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 9801.2 during the preceding fiscal year but not in excess of four hundred fifty dollars ($450) per unit of average daily attendance of such minors. Allowance to school district

SEC. 2. Section 7103.2 of said code is amended to read:

7103.2. The Superintendent of Public Instruction shall allow to each county school service fund an amount equal to the excess current expense of education to the county superintendent of school, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 9801.2 during the preceding fiscal year but not in excess of four hundred fifty dollars ($450) per unit of average daily attendance of such minors. Allowance to county school service fund

CHAPTER 1512

An act to create the Shasta County Water Agency for the conservation, storage, and distribution of the water within the agency, and prescribing its organization, powers, and duties

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

CHAPTER 1. POLICY

SECTION 1. The Legislature finds that the problem of the controlling and conservation of storm, flood, and other surface water for the beneficial use and protection of life and property of the people of the County of Shasta is necessary for the preservation of the health, safety and welfare of the people of the State of California. Because of the water problems in Shasta County created by geographical features such as mountainous terrain, and other facts and circumstances, the adoption of a special act and the creation of a special water agency is required.

SEC. 2. This act may be cited as the Shasta County Water Agency Act.

CHAPTER 2. DEFINITIONS

SEC. 5. 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. 6. "Agency" means the Shasta County Water Agency.

SEC. 7. "County" means the County of Shasta of the State of California.

SEC. 8. "United States" means the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America.

SEC. 9. "State of California" means the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California.

SEC. 10. "Work" or "works" means dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, and transmission of both surface and ground waters, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

SEC. 11. "District" means any district or political subdivision of the State empowered by law to appropriate water and to deliver water to users.

SEC. 12. "Member unit" means any district which enters into a contract with the agency for (i) the repayment in

whole or part to the agency or any other person, corporation, district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, district, State of California 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.

SEC. 13. "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State to vote in the county at general elections.

SEC. 14. "Board" means the board of directors of the agency.

SEC. 15. "Director" means a member of the board of directors of the agency.

SEC. 16. "Person" means any individual, firm, copartnership, association, corporation, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, as defined in this act.

SEC. 17. The term "public corporation" means any county, city and county, city, town, municipal corporation, district of any kind or class, or political subdivision of this State, and also any agency or authority of this State.

SEC. 18. 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. GENERAL PROVISIONS

SEC. 20. There is hereby created the Shasta County Water Agency, the boundaries and territories of which include all of the territory within the county. The powers of the district shall be exercised by the board except as otherwise provided. The establishment of the agency for anything in this act contained shall not affect, restrict, nor supersede the existence, property, right or power of any municipality, public district or public agency now or hereafter established in or partially within the limits of the agency. The Legislature because of conditions special to the county hereby expressly declares its intent to permit within the limits of Shasta County Water Agency the existence of more than one district or municipality having similar powers over similar territory.

SEC. 21. The agency is a body corporate and politic and a public agency of the State of California.

SEC. 22. The board of supervisors of the county shall be and is hereby designated as, and empowered to act as, ex officio the board of directors of the agency.

SEC. 23. Each member of the board of supervisors shall serve without additional compensation for acting as a member of the board of directors, except that each member shall be allowed his actual, necessary, and reasonable expenses.

SEC. 24. 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 on their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties.

SEC. 25. All ordinances, resolutions and other legislative acts for the agency shall be adopted by the board, and certified to, recorded and published, in the same manner, except as 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 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. 27. The Director of Water Resources, Director of Public Works, district attorney, county surveyor, county road commissioner, county assessor, county tax collector, county clerk, county auditor, purchasing agent and county treasurer of the county, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of the county, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees, respectively, of the agency, and shall respectively perform, unless otherwise provided by the board, the same various duties for the agency as for the county, in order to carry out the provisions of this act.

All such officers, deputies, clerks and employees shall receive their actual necessary expenses in the performance of official duties under this act payable from the funds of the agency.

In the event any of the above offices are consolidated, enlarged, abolished, or changed, the duties thereof shall be performed for the agency by the holder of the office to which such duties have been transferred as a result of such consolidation, enlargement, abolishment, or change, and such latter officer, his deputies, clerks, employees, and assistants shall be respectively ex officio such officer, deputy, clerk, employee, and assistant of the agency.

SEC. 28. In addition to the officers and employees prescribed in Section 27, the board may in their discretion ap-

point such other officers, agents and employees, including county officers, agents and employees, for the board or agency as in their judgment may be necessary, prescribe their duties and fix their compensation, these officers, agents, and employees to hold offices or positions during the pleasure of the board. No county officer, agent, or employee shall receive additional compensation for acting as an agency officer, agent, or employee, except his actual and necessary expenses.

SEC. 29. 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. 30. The agency may act at any regular meeting or special meeting called pursuant to such rules and regulations as the agency may adopt and may act without a meeting by an instrument in writing signed by all members of the board. The agency may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

SEC. 31. The agency 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 agency shall be prima facie evidence of its execution by the agency and that its execution was duly, regularly and legally authorized by the agency.

CHAPTER 4. POWERS

SEC. 40. The agency has perpetual succession.

SEC. 41. The agency may sue and be sued in all courts of competent jurisdiction.

SEC. 42. The agency shall have the power to acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the 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 complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

SEC. 43. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the agency, and shall be held by the agency, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess such property, and the board may determine, by resolution duly entered in their minutes that any property, real or personal, held by the agency is no longer necessary to be retained for the uses and purposes thereof, and may there-

after sell, lease or otherwise dispose of the property in the manner prescribed by law for such action by 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, as herein provided, at an election held for that purpose.

SEC. 44. The agency shall have the power to cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

SEC. 45. The agency shall have the power to incur indebtedness in the manner herein provided.

SEC. 46. The agency shall have power to enter into agreements with any person or public corporation for the joint use of any property and rights within or without the county.

SEC. 47. The agency shall have the power of eminent domain as herein provided.

SEC. 48. 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 agency may cause construction or other work to be performed or carried out by contracts or may undertake the work itself under its own superintendents as hereinafter provided.

SEC. 49. The agency shall have the power to make surveys and investigations for works and projects and of the water supply and resources of the agency, and to carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, control of flood and use of water both within and without the agency, and for these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

SEC. 50. The agency shall have the power as limited in this act to do any and every lawful act necessary to be done, that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial and all other beneficial uses.

SEC. 51. The agency shall have the power: to control flood and storm waters within the agency and the flood and storm waters of streams outside of the agency which flow into the agency; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the agency; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs; and otherwise to reduce the waste of water and to protect life and property from floods within the agency.

SEC. 52. 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 surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

SEC. 53. Anything in this act to the contrary notwithstanding, the agency shall have the power to appropriate water or acquire water rights for any useful purpose.

SEC. 54. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 55. The agency shall have the power to develop hydroelectric power only to the extent that such power can be developed incidentally to the construction and operation of its projects, and only for use solely by the agency in the operation of its works, in which case it may transmit such power to the place of use, or only to be sold at bus bar and at wholesale rates to any public or private agency engaged in the retail distribution of power, or both. The agency shall have the power to contract for the sale of rights to falling waters incidental to the construction and operation of the projects with any public or private agency engaged in the retail distribution of power.

SEC. 56. The agency shall have the power to construct its pipes, pipe lines, canals, flumes and tunnels and other conduits, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal ditch or flume which the route of said pipes, pipe lines, canals, flumes, tunnels or other conduits may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property; and provided further, 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; and the agency shall restore at its own expense any such crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company, municipality or district whose right of way shall be intersected or crossed by said pipes, pipe lines, canals, flumes, tunnels or other conduits shall unite with the agency in forming such intersections and crossings and grant the rights therefor.

SEC. 57. There is hereby granted to the agency the right of way for the location, construction and maintenance of any and all of its works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, it 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 agency a permit to use such right of way and lands.

SEC. 58. If by any judgment in condemnation or by agreement the agency shall be required to relocate any street, road, highway or railroad, subject or devoted to public use, the board shall have power to acquire in the name of the agency by agreement or condemnation, all rights of way and other property necessary or proper for the compliance with the agreement or judgment and thereafter, and without further authorization, to make such conveyance of such relocated street, road, highway or railroad, as may be proper to comply with the agreement or judgment.

SEC. 59. The agency shall have the power to cooperate, act in conjunction and contract with the United States, State of California, municipalities, and districts of any kind, public corporations, any person, or any number of them 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 the waters for beneficial use, and for the use, operation, 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 of any kind, public corporation, any person or any number of them for the joint acquisition, disposition, or operation of any property or works or water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

SEC. 60. Any district, municipality, or political subdivision of the State empowered by law to appropriate water and deliver water to users shall have the power: (a) to cooperate, act in conjunction and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate, act in conjunction and contract with such districts, municipalities, and political subdivisions; (b) and to carry out the terms of such contracts.

CHAPTER 5. EMINENT DOMAIN

SEC. 65. The agency shall have the power of eminent domain to acquire within or outside the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution and Title 7, Part 3 (commencing with Section 1237) 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 pur-

poses of the agency except that the agency shall not have power to acquire by condemnation property held or used for the development, storage or distribution of water for public use or property held or used by a public agency for the development or distribution of electric power; and it is hereby declared that the use by public agencies 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.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Shasta shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 66. 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, cables or poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

SEC. 67. 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.

CHAPTER 6. CONTRACTS

Article 1. Contracts Generally

SEC. 70. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of five thousand dollars ($5,000) shall be let to the lowest responsible bidder. The board shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation published in the 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 the 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 (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, or where the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000) 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 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 59, or to a contract authorized by a vote of the electorate of the agency.

SEC. 71. 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; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof, he shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of his office; provided, that this section shall not be construed to apply to any contract made with a corporation for its general benefit if the interest of such director is

(a) The ownership of less than 3 percent of the shares of a corporation for profit; or

(b) That of a nonsalaried officer of a nonprofit corporation.

Article 2. Contracts With United States

SEC. 75. 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 or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of constructing works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and to carry out and perform the terms of any contract so made; and for these purposes the agency 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 with Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 76. Each contract providing for repayment of the cost of any works, or for the payment of any water or water supply, which is entered into with the United States pursuant to this act, shall be authorized at an election, unless by a resolution adopted by a four-fifths (⅘) vote of the members of the board of directors, the board shall determine that all liabilities of the agency thereby incurred can be repaid and liquidated from revenue derived from taxes levied pursuant to Section 95 and from payments to be made to the agency by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of the cost underwritten by said member units or providing for the payment currently of whatever amounts may be necessary to pay the portion of the cost of any water or water supply to be furnished or sold to such member units. Upon the adoption of such resolution the board shall have the power on behalf of the agency, without the necessity of an election, to enter into such a repayment contract or into such a contract for the purchase of water or a water supply with the United States subject to all provisions of this act applicable to such contracts, except provisions requiring an election to authorize such contracts.

SEC. 77. Except as otherwise in this act provided, proceedings at the election shall be had insofar as applicable in the manner provided in the case of general elections in the county. All qualified voters of the agency shall be entitled to vote in such an election.

SEC. 78. Notice of the election shall contain a general statement of the purposes of the contract, 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.

SEC. 79. 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." A favorable vote of two-thirds of the votes cast at such election shall be necessary to authorize the execution of the contract.

SEC. 80 All payments to the United States under any contract between the agency and the United States shall be paid so far as possible from revenue other than that derived from agency taxes, unless otherwise provided by the contract or this act, and the balance, if any, of such payments shall be paid from revenue derived from annual taxes levied in accordance with Section 95 of this act upon all taxable property within the agency assessable for such purposes under the laws of the State, and the taxable property shall be and remain liable to be assessed and levied upon for the payments.

SEC. 81. Public land of the United States within the agency shall be subject to assessment and tax for all purposes of contracts with the United States to the extent provided for by the Act of Congress approved August 11, 1916, entitled "An act to promote reclamation of arid lands," or any other law which may hereafter be enacted by Congress in the same relation, upon full compliance therewith by the agency.

SEC. 82. All money collected in pursuance of the contract with the United States shall be paid into the county treasury to the credit of the agency and held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

CHAPTER 7. FINANCIAL PROVISIONS

SEC. 90. Warrants not to exceed the anticipated revenues of the agency from any source in an amount not to exceed the revenues of the year in which issued are authorized on majority vote of the board. The board may authorize the registering of the warrants after which the warrants will draw interest at the rate fixed by the board in the authorizing resolution.

SEC. 91. The agency shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable; provided, that this section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the levying of special assessments in accordance with Section 96 of this act nor to the execution of contracts with the United States.

CHAPTER 8. TAXATION

SEC. 95. The board may, in any year, levy ad valorem taxes or assessments upon all property in the agency to pay the general administrative costs and expenses of the agency, and to carry out any of the objects or purposes of this act of common benefit to the agency; provided, however, that the ad valorem tax or assessment shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation, unless at any county-wide election held for any other purpose a majority of those voting have voted in favor of a proposal to increase the tax rate of the district. The board may submit such a proposal at any county-wide election called for any other purpose and the proposal shall specify the new tax limit and may provide the increase will be valid for a specified term of years only or of unlimited duration.

SEC. 96. The agency shall have the power to levy a special ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the agency by such member unit under any contract entered into by them. Such tax shall be levied only at

a rate sufficient to raise an amount equal to the amount delinquent. Such tax shall be levied and collected at the same time and in the same manner as general agency taxes, and shall be paid into the county treasury to the account of the agency and shall be used only to reduce the liability of such 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 for such delinquency.

SEC. 97. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. All property exempt from taxation for county purposes under the provisions of the Revenue and Taxation Code of the State of California is exempt from taxation and assessment for the purposes of this act.

SEC. 98. Notwithstanding Chapter 8 (commencing at Section 54900), Part 1, Division 2, Title 5 of the Government Code, the agency is validly created for the purposes of assessment and taxation.

SEC. 99. For the Fiscal Year 1957-58, but for no other fiscal year, notwithstanding Section 98 of this act, the assessment and equalization of property for the purpose of agency taxation shall be effected as provided in this chapter.

SEC. 100. Assessments of the agency for the Fiscal Year 1957-1958 are liens on the property the same as if they were county taxes, except that the agency assessment liens attach as of noon on the day after this act becomes effective.

SEC. 101. 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 1957-1958 are the correct assessments for purposes of assessment by the agency 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 agency. 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 agency for the Fiscal Year 1957-1958, 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 agency.

SEC. 102. In equalizing the assessments made by the county assessor, the board of supervisors of the 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 agency 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.

SEC. 103. If, for purposes of assessments by the agency, 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 agency.

SEC. 104. 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 agency for the Fiscal Year 1957-1958. Except as provided in Sections 98 through 103, Section 95 of this act is applicable to the assessment and equalization of property for the purpose of the agency assessments for the Fiscal Year 1957-1958.

SEC. 105. The taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from the agency taxes or assessments 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 these purposes.

SEC. 106. Notwithstanding any other provision of this act, if in the judgment of the board the cost and expense of a supply of water to any member unit is greater than the ability of such member unit to pay and the board finds that a supply of water to such member unit will be of general benefit to the agency, the board may by a four-fifths ($\frac{4}{5}$) vote of its members direct the agency to contribute from whatever funds may be available financial assistance to the extent that the board determines the agency as a whole will be benefited. For the foregoing purpose, the board may contract with the member unit or with the United States, the State of California or any district or public agency supplying water or contracting to supply water to such member unit, to make said contribution and assistance annually for such period of time as the board may determine.

SEC. 107. The agency may contribute any or all of its funds in aid of and in the best interests of the agency or any member unit.

SEC. 108. Claims against the agency shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

CHAPTER 9. MEMBER UNITS

SEC. 115. Any member unit may elect that any water to which it is entitled be held in storage in the agency's reservoirs so long as there is unfilled capacity in the reservoirs from which such water would otherwise be withdrawn for delivery to it. If two or more member units desire simultaneously to store water and there is not sufficient capacity to accommodate such member units, the storage capacity shall be apportioned between them in accordance with the amount of capital cost of such reservoir they have respectively underwritten, or in accordance with the amount of water they have respectively contracted to purchase during the period of such storage.

SEC. 116. Any member unit may release for the use of any other member unit any amount of water which may then be held temporarily in storage for its account, and in such event the agency shall deliver such water to such other member unit; but such delivery shall be deemed to be for the account of the member unit releasing such water.

SEC. 117. 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 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 unit shall be unchanged.

SEC. 118. 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 unit remains unchanged in respect to its obligation to pay any remaining interest.

SEC. 119. Any member unit may reduce its obligations under its contract with the agency by assignment to another member unit of any part of its right to receive water under its contract; provided, that such assignment is legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to such assignment. The total of all payments to be made by such member units to the agency shall not be reduced by virtue of such assignment, and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

SEC. 120. 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 such member units to the agency as may be provided by contract, in proportion which the amount contributed by each such member unit to the cost of such capital asset is to the total cost of such capital asset.

SEC. 121. If any liability on the part of the agency and its member units or both for the original cost or any subse-

quent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or other disposal thereof, the agency shall have the power to apply as much of the proceeds of such sale toward the extinguishment of such liability as may be necessary. In extinguishing such liability, the proceeds of such sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

CHAPTER 10. CONSTRUCTION AND INTERPRETATION

SEC. 130. 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. 131. 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.

CHAPTER 1513

An act to amend Section 28120 of the Government Code, relating to compensation for public service in counties of the twentieth class.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 28120 of the Government Code is amended to read:

28120. In a county of the twentieth class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, thirteen thousand five hundred dollars ($13,500) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) The chairman of the board of supervisors, one thousand two hundred dollars ($1,200) a year in addition to his compensation as a member of the board of supervisors until such time as the chairman shall receive compensation as a director of the Sonoma County Flood Control and Water Conservation District, but not thereafter. Each supervisor, including the chairman, six thousand five hundred dollars ($6,500) a year,

for all services required by law or by virtue of the office, except service as a member of the Board of Directors of the Sonoma County Flood Control and Water Conservation District, and to each supervisor seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror in the superior court, or in a justice court in civil and criminal cases, six dollars ($6) per day.

For each mile actually and necessarily traveled each day in attending court as a juror and returning therefrom, seven and one-half cents ($0.075).

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

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

CHAPTER 1514

An act to amend Section 69891.5 of the Government Code, relating to the compensation of superior court attaches.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 69891.5 of the Government Code is amended to read:

69891.5. In each county with a population of less than 104,000 and more than 103,000, as determined by the 1950 Census, the monthly salaries of the stenographer or secretary to the judge of the superior court shall be fixed in the manner prescribed in Section 69892, except that the minimum salary for any stenographer or secretary to the judge shall be three hundred fifty dollars ($350) per month.

CHAPTER 1515

An act to amend Sections 7, 13.1, 13.4, 13.5, and 35 of, and to add Section 3.5 to, the Sonoma County Flood Control and Water Conservation District Act (Stats. 1949, Ch. 994), relating to the Sonoma County Flood Control and Water Conservation District.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 3.5 is added to the Sonoma County Flood Control and Water Conservation District Act, to read:

Sec. 3.5. The board of directors of the district shall have the power to adopt ordinances, resolutions, and other legislative acts, as provided in Section 7, and in addition to the power to enter into contracts for and on behalf of the district, as provided in Section 3 of this act, shall have the power to make and enter into contracts for and on behalf of any zone created under and in accordance with the provisions of this act with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

SEC. 2. Section 7 of said act is amended to read:

Sec. 7. In carrying out the objectives and purposes of this act and exercising the powers of the district, the board may adopt ordinances, resolutions and take such other legislative action as is not in conflict with the Constitution and this act. All ordinances, resolutions and other legislative acts for said district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State for the exercise of such powers in relation to counties.

SEC. 3. Section 13.1 of said act is amended to read:

Sec. 13 1. The board may establish zones, or annex new territory to an existing zone, within the district to undertake any project or works of improvement. As used in Sections 13.1 to 13 9, inclusive, of this act, "works of improvement" includes, without limitation as to the generality thereof, con-

struction of new works, and repair, or reconstruction of existing works.

Proceedings for the establishment of a zone or annexation of territory to a zone may be instituted by the board, by resolution, on its own initiative and shall be instituted by the board upon receipt of a petition requesting the formation, or annexation to, of a zone and signed by not less than 25 percent of the owners of real property in the territory proposed to be included within the zone as shown by the last equalized assessment roll of the county. The petition may consist of any number of separate instruments, each of which must comply with all of the requirements of a petition except as to number of signatures.

The procedure for undertaking projects or works of improvement through the creation of zones or annexation to zones is an alternate method for undertaking district projects and shall not affect or limit any other provisions of law authorizing or providing for undertaking such projects or works of improvement by the district as a whole.

A zone may be created and exist within a zone under this act. A zone including all or any part of an existing zone may be created and exist without destruction of such existing zone, except that the aggregate zone tax on such land included within two or more zones shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation, exclusive of any tax to pay principal and interest on bonded indebtedness of a zone, if protested at the time of creation by more than 50 percent of the owners of land within the area of the existing zone as shown on the last equalized assessment roll of the county.

Withdrawal of territory from a zone or termination after payment of all debts of a zone may be accomplished on order of the board after notice and hearing before the board and findings by the board as hereinafter indicated after receiving of a petition therefor signed by owners of not less than 25 percent of the assessed valuation or by not less than 25 percent of the owners of real property in the territory proposed to be withdrawn or the zone proposed to be terminated as the case may be, and determination by the board that the territory proposed to be withdrawn will receive no benefit from remaining within the zone or that the land included within a zone will receive no benefit from continuation of the zone as the case may be. Within 30 days after receiving such a petition bearing the requisite number of signatures the board shall adopt a resolution of intention to consider the withdrawal of territory or termination of zone as petitioned for setting forth the name of the zone and describing the territory proposed to be withdrawn or stating the proposal to terminate the zone as the case may be and stating the time and place for a public hearing at which the board will consider such proposal, which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution. The clerk of the board shall publish

the resolution which shall constitute a notice of hearing at least once not closer than seven days prior to the date of the hearing in a newspaper of general circulation printed and published within the district. Copies of such resolution entitled "Notice of Hearing" in bold letters at least one inch in height shall also be posted in not less than three public places within the zone at least two weeks before the date set for hearing. If written protest is filed with the clerk by the owners of real property within the zone in excess of 50 percent of the owners of land within the zone as shown by the last equalized assessment roll of the county, the proceeding shall be abandoned. In the absence of such protest the board shall hear all persons interested in or protesting the proposal and if in the opinion of the board the territory proposed to be withdrawn will receive no benefit from remaining in the zone or the land included within a zone will receive no benefit from continuation of the zone as the case may be the board shall enter its order withdrawing such territory from the zone or terminating the zone as the case may be. Any territory withdrawn from a zone shall remain liable for assessment pursuant to Section 28 of this act for payment of interest and principal on any bonded indebtedness of the zone existing or authorized prior to such withdrawal.

SEC. 4. Section 13.4 of said act is amended to read:

Sec. 13.4. Prior to the hearing on the proposal to establish any zone or annex territory to a zone, the board shall direct the chief engineer of the district to make and file a report with the board which shall show:

(a) A general description of the type of project or works of improvement for which the zone is to be created or extended.

(b) A general description of any lands, rights of way, easements, and property to be taken, acquired, or injured in carrying out the initial work project of such zone or extended zone.

(c) A general estimate of the cost of the initial project or works, including a general estimate of the cost of any lands, rights of way, easements, and property proposed to be taken, acquired, or injured in carrying out said initial work, and also of all incidental expenses which may be incurred in connection therewith.

The report shall be considered by the board which may either accept the report as filed or refer it back to the chief engineer of the district for consideration of such modification or change as the board deems necessary in the best interests of the district.

SEC. 5. Section 13.5 of said act is amended to read:

Sec. 13.5. Within 30 days after receiving an engineer's report on the proposal to establish a zone or annex additional territory to a zone, which report is satisfactory to the board, the board shall adopt a resolution of intention to establish a zone or annex additional territory to a zone as the case may be, which resolution shall contain the following:

(a) A statement that a zone is proposed to be established or expanded as the case may be under the terms of this act and describing the boundaries of the territory proposed for inclusion in the zone.

(b) A statement as to the name proposed for the zone in substantially the following form: "Sonoma County Flood Control and Water Conservation District, Zone No. _____."

(c) A general description of the project or works of improvement for which the zone is to be created and a general estimate of the rate of assessment which must be levied to secure funds for the project or works of improvement initially proposed, which will be levied annually upon all taxable real property within the zone.

(d) A statement of the estimated cost of the proposed initial project or works of improvement.

(e) A statement of the time and place for a public hearing at which the board will consider the establishing or expanding of the zone which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution.

SEC. 6. Section 35 of said act is amended to read:

Sec. 35. The area of the district is subject to periodical floods during the rainy seasons precipitated by run-off of water through inadequate natural channels, stream beds and rivers, including but not limited to the waters of the Russian River and the streams tributary thereto, which waters are an important potential source of water for domestic, industrial and agricultural uses inside and outside the watersheds. During the dry season, said river would be without water if it were not for the foreign waters turned into the river. Recognizing this fact, the United States Army Engineers have made studies and recommendations for a proposed plan of improvement for flood control and allied purposes on the Russian River drainage basin located within the area of the district, and upon such recommendations, it is necessary that the district be zoned in such a manner to determine the varying benefits to property located within the district, of the percentage of costs to be split among the zones created, and that no general law contains provisions for the issuance of bonds and for the purpose of raising funds to assist in such work. The cost of adequate flood control and water conservation is beyond the means of the property owners and taxpayers of the district, and it is necessary to negotiate to obtain financial aid from the United States Government. It is recommended by the United States Government and it is desirable to immediately form a political entity to satisfactorily deal with the agency of the United States Government.

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

CHAPTER 1516

An act to repeal Chapter 8 of Part 4 of Division 6 of, and to add Chapter 8 to Part 4 of Division 6 of, the Welfare and Institutions Code, relating to The Neuropsychiatric Institute, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

Repeal

SECTION 1. Chapter 8 of Part 4 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 2. Chapter 8 is added to Part 4 of Division 6 of said code, to read:

CHAPTER 8. THE NEUROPSYCHIATRIC INSTITUTE

Neuropsychiatric hospital Establishment

7400. A neuropsychiatric hospital for which an appropriation for planning was provided by Item 328.1 of the Budget Act of 1954, hereafter referred to as the institute, shall be established on the grounds belonging to the Regents of the University of California at Los Angeles as a part of the Medical Center.

Occupancy

7401. The Regents of the University of California shall grant to the Department of Mental Hygiene the right to occupy the institute, which shall be known as the Neuropsychiatric Institute, U. C. L. A. Medical Center. The period and extent of occupancy shall be determined in the agreement provided for in Section 7402.

Operation and maintenance

7402. The institute shall be operated and maintained pursuant to a coordinating plan and agreement entered into by the Regents of the University of California and the Department of Mental Hygiene.

Agreements

7403. The Department of Mental Hygiene may enter into such agreements with the Regents of the University of California as are necessary or appropriate to carry out the provisions of this chapter.

Rules and regulations

7404. The Department of Mental Hygiene may establish rules and regulations for the institute that are not in conflict with this chapter or the agreement provided for in Section 7402.

Superintendent and medical director

7405. There shall be a superintendent and medical director of the institute. He shall be appointed by the Director of Mental Hygiene with the prior approval of the Regents of the University of California. The superintendent and medical director of the institute shall be a person who has demonstrated by past experience his qualifications in teaching and research in the fields of psychiatry and neurology, and in addition has the qualifications required for superintendents of state hospitals under the jurisdiction of the Department of Mental

Hygiene. In addition to the usual duties required of superintendents of state hospitals under the jurisdiction of the department, the superintendent and medical director shall be responsible for the integration of the institute's operation with the teaching and research program of the university.

Prospective applicants for the position of superintendent and medical director shall be given an examination prepared by the Personnel Board together with the Director of Mental Hygiene or any medical superintendent that he shall designate, and the Dean of the University of California Medical School at Los Angeles, or such member of the faculty of the medical school as the dean shall designate, in consultation with a representative of the State Personnel Board. The questions contained in such examination shall weigh the qualifications and experience of prospective applicants in hospital administration, in the field of teaching, and in the organization and successful prosecution of meritorious research projects.

Nothing contained in this chapter shall prevent the making of a temporary appointment of a superintendent and medical director pending the holding of an examination to qualify a list of persons eligible to be appointed to the position.

Purpose

7406. The institute shall be conducted and maintained for the purpose of treating patients with organic and functional disorders of the nervous system, and to further the respective educational, training and research programs of the university and the Department of Mental Hygiene.

Admissions

All admissions to the institute shall be for observation, teaching, research, diagnosis, and treatment purposes as determined by the superintendent and medical director. No person shall be admitted to the institute or transferred to the institute from any hospital under the jurisdiction of the Department of Mental Hygiene unless the superintendent and medical director of the institute approves such admission or transfer.

Charges

The charges for the care, treatment, and services rendered to all persons admitted to the hospital unit at the institute shall not be limited by any provision of this code but shall be based on the average cost per day as determined by the Director of Mental Hygiene. The liability for the charges so determined shall be governed by the provisions of Article 5 of Chapter 1 of Part 4 of Division 6 of this code.

Out-patient clinic

There shall be conducted and maintained in conjunction with the hospital unit at the institute an out-patient clinic. Charges for services in the out-patient clinic shall be determined by the superintendent and medical director in accordance with schedules for such charges established by the Department of Mental Hygiene.

Regents of University of California

7407. Nothing contained in this chapter shall impair or be deemed a relinquishment by the Regents of the University of California of any of their rights in the operation, control and government of the University of California as provided in Section 9 of Article IX of the Constitution.

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:

There exists an extreme shortage of facilities for the care and treatment of the mentally ill, and for the necessary education, training, and research connected therewith. The expeditious correction of such conditions requires the immediate availability of an additional facility. It is therefore necessary that this act go into immediate effect.

CHAPTER 1517

An act to amend Section 9530 of the Business and Professions Code, relating to the State Board of Dry Cleaners.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 9530 of the Business and Professions Code is amended to read:

9530. There is in the Department of Professional and Vocational Standards, the State Board of Dry Cleaners, which consists of seven members appointed by the Governor and confirmed by the Senate. The seven members of the board shall consist of one public member and the owners of two retail plants, two wholesale plants, and two shops. Each member shall be a citizen of the United States and shall have been actively engaged in his respective branch of the cleaning industry for a period of at least five years prior to his appointment.

Each member of the board shall receive a per diem of twenty-five dollars ($25) as compensation for each day spent in actual attendance at meetings of the board and at committee meetings of the members of the board, when such meetings are especially authorized by the board or its president, and for each day actually spent performing necessary work in connection with the enforcement of this chapter.

CHAPTER 1518

An act to repeal Section 13352 of, add Section 13352 to, and amend Sections 13371 and 13375 of, the Health and Safety Code, relating to hazardous buildings, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

Repeal

SECTION 1. Section 13352 of the Health and Safety Code is repealed.

SEC. 2. Section 13352 is added to said code, to read:

13352. The exterior wall of a hazardous building shall be located in accordance with the following provisions: Specifications

(a) Walls having no openings therein may be located on property lines and without set back from buildings on the same property.

(b) Walls having door or window openings therein shall be located not less than 12 feet from any property line of the lot or premises upon which it is constructed and not less than 12 feet from any building or structure except as provided in subdivision (c) of this section.

(c) Walls having protected door openings, but no window openings, may be located less than 12 feet from buildings or structures of noncombustible or one-hour fire-resistive construction on the same lot or premises provided that an open or approved heat-activated vent having a horizontal area of not less than 16 square feet is provided above each hazardous building door opening. Such vent location and construction shall be subject to approval by the State Fire Marshal.

SEC. 3. Section 13371 of said code is amended to read:

13371. Every door opening in a hazardous building shall be at least three feet in width. Except as otherwise provided in this article, it shall lead directly to an area open to the sky, which shall afford a continuous, unobstructed means of safe egress from the building. A noncombustible awning or roof of an approved design may be installed over this area. Any existing awning or roof which does not meet with the approval of the State Fire Marshal shall be removed, remodeled, reconditioned, or relocated.

SEC. 4. Section 13375 of said code is amended to read:

13375. Every wash room shall have at least two doors, which shall be located as far from each other as is practicably possible. Except as otherwise provided in this article, one door from every hazardous room shall lead directly to the exterior. The location of doors in respect to accessibility and fire exposure shall be subject to the approval of the State Fire Marshal.

SEC. 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 is no further need for the type of building restrictions provided by existing laws as use of the hazardous cleaning fluid which these restrictions were designed to provide safeguards for is now prohibited by law. The changes in building restrictions made by this act will adapt those restrictions in accordance with the types of fluid now permitted to be used. Immediate effectiveness of this act is necessary to prevent needless delay in completion of numerous building projects and to permit prompt utilization of new plants designed to comply with modern building requirements.

CHAPTER 1519

An act to amend Sections 74692 and 74693 of the Government Code, relating to the officers and attaches of the municipal courts established in districts in Santa Cruz County.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 74692 of the Government Code is amended to read:

Supervising clerk Salary

74692. There shall be one supervising clerk who shall receive a minimum salary of three hundred fifty-five dollars ($355) 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 thirty-three dollars ($433) monthly.

SEC. 2. Section 74693 of said code is amended to read:

74693. The clerk may appoint:

Assistants salaries

(a) One deputy supervising clerk who shall receive a minimum salary of three hundred thirty-eight dollars ($338) monthly, with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred twelve dollars ($412) monthly.

(b) Four typist-clerks, grade II, each of whom shall receive a minimum salary of two hundred fifty-two dollars ($252) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of three hundred seven dollars ($307) monthly.

(c) Four typist-clerks, grade I, each of whom shall receive a minimum salary of two hundred twenty-nine dollars ($229) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred seventy-eight dollars ($278) monthly.

CHAPTER 1520

An act to amend Section 28125 of the Government Code, relating to compensation for public employment in counties of the twenty-fifth class.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 28125 of the Government Code is amended to read:

28125. In a county of the twenty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall not engage in the private practice of law.

(c) Each member of the board of supervisors, four thousand two hundred dollars ($4,200) a year. Each supervisor shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it is necessary for any supervisor to leave the county for the purpose of performing any of his duties, he shall be allowed his actual expenses.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residence to the county seat, in going only, to be allowed but once during each session the jurors are required to attend.

Any officer entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive mileage at the rate of five cents ($0.05) in a mile traveled.

The salaries and fees provided in this section are in full compensation for all services of every kind and description rendered by the officers named, either as officers or ex officio officers, their deputies and assistants. All fees, commissions, per diem, and expenses provided for by law, and all other money coming into the hands of the officers mentioned, no matter from what source derived or received, shall be the property of the county, and shall be paid into the county treasury by such officers at the same time and in the same manner that other money is required by law to be paid into the county treasury, except, that the district attorney is expressly exempted from this provision, and shall receive the salaries, fees, and commissions, provided by law.

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

CHAPTER 1521

An act to amend Section 1554 of the Education Code, relating to the destruction of school district records.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1554 of the Education Code is amended to read:

1554. The governing board of any school district may make microfilm or photographic copies of any records of the dis-

trict. The original of any records of which a photographic or microfilm copy has been made may be destroyed when provision is made for permanently maintaining such photographic or microfilm copies in the files of the district, except that no original record that is basic to any required audit shall be destroyed prior to the second July 1st succeeding the completion of the audit.

CHAPTER 1522

An act to add Sections 20007 and 20344.1 to the Education Code, relating to state colleges and the University of California.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 20007 is added to the Education Code, to read:

Persons deemed residents

20007. Notwithstanding any provision to the contrary, any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this State on the opening day of the semester during which the unmarried minor proposes to attend the university shall, for the purposes of this article, be deemed to be a resident of this State for such semester. Any admission fee or rate of tuition required of such unmarried minor shall not exceed the amount required of a resident student enrolled in the same course as such unmarried minor. Parent, for the purposes of this section, means the natural father during his lifetime and after his death, the natural mother of the unmarried minor, or an adopting parent.

SEC. 2. Section 20344.1 is added to said code, to read:

20344.1. Notwithstanding any provision to the contrary, any person whose parent is in the active military service of the United States of America and is stationed in this State on the opening day of the semester during which the person proposes to attend the state college shall, for the purposes of this article, be deemed to be a resident of this State for such semester. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same course as such person.

CHAPTER 1523

An act to add Section 7124.1 to the Business and Professions Code, relating to contractors.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7124.1 is added to the Business and Professions Code, to read:

7124.1. 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 registrar it shall immediately suspend the license of the person adjudicated or committed. The registrar 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 registrar may require the person to pass an oral examination to determine his present fitness to resume his practice.

CHAPTER 1524

An act to amend Section 28121 of the Government Code, relating to compensation for public service in counties of the twenty-first class.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28121 of the Government Code is amended to read:

28121. In a county of the twenty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, fourteen thousand dollars ($14,000) a year for all services. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, seven thousand five hundred dollars ($7,500) a year. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration and no other travel expenses shall be allowed.

(d) Grand jurors, six dollars ($6), trial jurors in the superior court, six dollars ($6) and trial jurors in justice courts, six dollars ($6), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents ($0.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

CHAPTER 1525

An act to amend Section 1300.17 of the Agricultural Code, relating to marketing orders.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 1300.17 of the Agricultural Code is amended to read:

Expense of administration

1300.17. (a) For the purpose of providing funds to defray the necessary expenses incurred by the director in the formulation, issuance, administration and enforcement of each marketing order issued hereunder, each such marketing order shall provide for the levying and collection of assessments in sufficient amounts to defray such expenses. Each marketing order shall indicate the maximum rate of any such assessment which may be collected and the proportion, if any, payable by each producer and handler directly regulated or affected by such marketing order. The advisory board appointed by the director to assist the director in administering each marketing order shall recommend to the director, from time to time, budgets to cover necessary expenses and the assessment rate necessary to provide sufficient funds. If the director finds that each such budget and assessment rate are proper and equitable and will provide sufficient moneys to defray the necessary expenses he may approve such budget and rate of assessment and order that each producer and handler so assessed shall pay to the director, at such times and in such installments as the director may prescribe, an assessment based upon the

units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which in the case of producers will not exceed two and one-half percent (2½%) of the gross dollar volume of sales, of the commodity affected, by all such producers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed two and one-half percent (2½%) of the gross dollar volume of purchases of the commodity affected by the marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers regulated by such marketing order during the marketing season or seasons during which such marketing order is effective.

Advance deposit

The director may require each and every producer, processor, distributor or handler directly regulated by any marketing order to deposit with him in advance, an amount based upon the estimated number of units to be marketed by such producer or handled by such processor, distributor or handler, or upon any other uniform basis which the director determines to be reasonable and equitable, such bases to be applicable during the marketing season or seasons during which such marketing order is effective. At any time after the funds credited to the administrative account of the marketing order are sufficient to so warrant, or at the close of the marketing season, the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual number of units marketed by such producer or handled by such processor, distributor or handler, or upon the same uniform basis under which such funds were assessed by the director, during such marketing season.

Advertising expense

(b) Each marketing order which authorizes carrying out advertising and sales promotion plans shall provide for the levying and collection of assessments in sufficient amounts to defray the expenses of such activities. Each such marketing order shall indicate the maximum rate of any such assessment and the proportion, if any, payable by each producer and handler directly regulated or affected by such marketing order The advisory board appointed by the director to assist the director in administering each marketing order shall recommend to the director, from time to time, budgets to cover such expenses and the assessment rate necessary to provide sufficient funds. If the director finds that each such budget and assessment rate are proper and equitable and will provide sufficient moneys to defray such expenses he may approve such budget and approve and levy such assessment. Any assessments so established shall be based upon the units in which such agricultural commodity is marketed or upon any other uniform basis which the director determines to be proper and equitable. Any assessment rates established hereunder shall be in amounts not to exceed four percent (4%) of the gross dollar volume of sales

by all producers or by all processors, distributors or other handlers of such agricultural commodity regulated by such marketing order during the marketing season or seasons during which such marketing order is effective.

Advance deposit

For the purpose of providing funds to cover the costs of such advertising or sales promotion plans incurred prior to the receipt of sufficient funds from assessments as provided herein, the director may require each person so assessed to deposit with him in advance an amount not exceeding twenty-five percent (25%) of such assessment, based upon the estimated number of units of such commodity to be marketed or handled by such person, or upon any other uniform basis which the director determines to be reasonable and equitable, during such marketing season. At any time after the funds credited to the advertising or sales promotion account of the marketing order are sufficient to so warrant, or at the close of the marketing season, the sum so deposited by such person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment authorized herein.

Assessment in lieu of administration and advertising assessments

(c) In lieu of the assessments to defray the costs of formulation, issuance, administration and enforcement and advertising or sales promotion provided for in paragraphs (a) and (b) hereof, if the marketing order contains provisions for advertising or sales promotion as authorized in this chapter, the director may approve and fix one assessment not exceeding six and one-half percent (6½%) of the gross dollar volume of sales of such commodity by all producers, or by all processors, distributors or other handlers of such agricultural commodity regulated by such marketing order during the marketing season or seasons during which such marketing order is effective. The method and manner of assessment and collection thereof, and the limitations and restrictions applicable thereupon, shall conform in all respects with the provisions of paragraph (b) hereof, except as to the maximum amount of such assessment. In such case the advisory board shall recommend and the director may approve the proportions of such assessments which may be expended to defray the costs of formulation, issuance, administration and enforcement of the marketing order and of such advertising or sales promotion program; provided, that, the proportion of such assessments which may be allocated in such manner to defray the cost of such administrative activities for such marketing order shall in no case exceed the maximum amount authorized in paragraph (a) of this section.

Loans

(d) In the event any advisory board of any marketing order has reason to believe that the administration of a marketing order will be facilitated or the attainment of the purposes and objectives of the marketing order will be promoted thereby, the advisory board is authorized to borrow money with or without interest to carry out any provision of any marketing order authorized by this chapter, and may hypothecate anticipated assessment collections applicable to such respective provisions.

In lieu of requiring advance deposits for defraying administrative or advertising and sales promotion expenses until such time as sufficient moneys are collected for such purpose from the payment of assessments established pursuant to Section 1300.17 of this chapter, the director is authorized to receive and disburse for such expense purposes contributions made by producers, processors, distributors or other handlers. Neither the board nor the director shall be held responsible for the repayment of such contributions; provided, however, that whenever collections from the payment of established assessments credited to the respective marketing order accounts are sufficient to so warrant, the board shall recommend and the director shall authorize the repayment of contributions or authorize the application of such contributions to the assessment obligations of persons who made such contributions. Contributions

(e) For the convenience of making collections of any producer assessments established pursuant to this section, the director may collect such assessments from the handlers of the commodity being regulated. Handlers paying such assessments for and on behalf of any producers are authorized to deduct such producer assessments from any moneys owed by such handlers to such producers. Any marketing order may provide that handlers shall deduct producer assessments from any moneys owed by such handlers to such producers. Collections

The director shall prescribe rules and regulations with respect to the assessment and collection of funds pursuant to the provisions of this section.

(f) Any moneys collected by the director pursuant to this act shall be deposited in a bank or banks, or other depository, approved by the Director of Finance, allocated to each marketing order under which they are collected, and disbursed by the director only for the necessary expenses incurred by the advisory board and the director and approved by the director with respect to each such separate marketing order. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 16003 of the Government Code. All such expenditures by the director shall be audited at least annually by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State Treasury to the credit of the "State Marketing Act Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this paragraph. Dispositions of moneys Audit

Any moneys remaining in such fund, allocable to any particular agricultural commodity affected by a marketing order, at the discretion of the director, may be refunded at the close of any marketing season upon a pro rata basis, to all persons from whom assessments were collected, or such portion of such moneys as may be recommended by the board and approved by the director may be carried over into the next suc- Refunds

ceeding marketing season whenever the director finds that such moneys may be required to assist in defraying the costs of operating such marketing order in such succeeding marketing season; provided, that upon termination by the director of any marketing order, any and all moneys remaining, and not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom assessments were collected; provided further, however, that if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use the moneys in such fund to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity. Thereafter, if there are any such moneys remaining which have not been used by the director as hereinabove provided, same shall be withdrawn from the approved depository and paid into the State Treasury as unclaimed trust moneys.

Investment

(g) Moneys deposited by the director pursuant to this section, which the director determines are available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Article 2 (commencing at Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing at Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. Any increment received from such investment or reinvestment or deposit shall be remitted to the director for allocation, upon a proper and equitable basis, to each of the marketing orders concerned, and deposited and disbursed as provided in subdivision (f) of this section. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions of this subdivision or may bill the director for such costs and the director shall pay such costs from moneys collected pursuant to this chapter.

CHAPTER 1526

An act to amend Section 6001 of, and to add Section 6008, 6008.1, 6008.2, 6008.3, 6008.4, and 6008.5 to, the Business and Professions Code, relating to the powers and properties of the State Bar of California, a public corporation.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 6001 of the Business and Professions Code is amended to read:

Powers

6001. The State Bar of California is a public corporation. It is hereinafter designated as the State Bar.

The State Bar has perpetual succession and a seal and it may sue and be sued. It may, for the purpose of carrying into effect and promoting its objectives:

(a) Make contracts.

(b) Borrow money, contract debts, issue bonds, notes and debentures and secure the payment or performance of its obligations.

(c) Own, hold, use, manage and deal in and with real and personal property.

(d) Construct, alter, maintain and repair buildings and other improvements to real property.

(e) Purchase, lease, obtain options upon, acquire by gift, bequest, devise or otherwise, any real or personal property or any interest therein.

(f) Sell, lease, exchange, convey, transfer, assign, encumber, pledge, dispose of any of its real or personal property or any interest therein, including without limitation all or any portion of its income or revenues from membership fees paid or payable by members.

(g) Do all other acts incidental to the foregoing or necessary or expedient for the administration of its affairs and the attainment of its purposes.

No law of this State restricting, or prescribing a mode of procedure for the exercise of powers of state public bodies or state agencies, or classes thereof, including, but not by way of limitation, the provisions contained in Division 3 (commencing with Section 11000), Division 4 (commencing with Section 16000), and Part 1 (commencing with Section 18000) and Part 2 (commencing with Sections 18500) of Division 5, of Title 2 of the Government Code, shall be applicable to the State Bar, unless the Legislature expressly so declares.

SEC. 2. Section 6008 is added to said code, to read:

Property

6008. All property of the State Bar is hereby declared to be held for essential public and governmental purposes in the judicial branch of the government and such property is exempt from all taxes of the State or any city, city and county, district, public corporation, or other political subdivision, public body or public agency.

SEC. 3. Section 6008.1 is added to said code, to read:

Liabilities

6008.1. No bond, note, debenture, evidence of indebtedness, mortgage, deed of trust, assignment, pledge, contract, lease, agreement or other contractual obligation of the State Bar shall:

(a) Create a debt or other liability of the State nor of any entity other than the State Bar (or any successor public corporation).

(b) Create any personal liability on the part of the members of the State Bar or the members of the board of governors or any person executing the same, by reason of the issuance or execution thereof.

(c) Be required to be approved or authorized under the provisions of any other law or regulation of this State.

SEC. 4. Section 6008.2 is added to said code, to read:

Securities

6008.2. Bonds, notes, debentures and other evidences of indebtedness of the State Bar are hereby declared to be issued for essential public and governmental purposes in the judicial branch of the government and, together with interest thereon and income therefrom, shall be exempt from taxes.

SEC. 5. Section 6008.3 is added to said code, to read:

Defaults

6008.3. The State Bar may vest in any obligee or trustee the right, in the event of default upon any obligation of the State Bar, to take possession of property of the State Bar, cause the appointment of a receiver for such property, acquire title thereto through foreclosure proceedings, and exercise such other rights and remedies as may be mutually agreed upon between the State Bar and the holder or proposed holder of any such obligation.

SEC. 6. Section 6008.4 is added to said code, to read:

Board of governors

6008.4. All powers granted to the State Bar by Sections 6001 and 6008.3 may be exercised and carried out by action of its board of governors. In any resolution, indenture, contract, agreement, or other instrument providing for, creating, or otherwise relating to, any obligation of the State Bar, the board may make, fix, and provide such terms, conditions, covenants, restrictions, and other provisions as the board deems necessary or desirable to facilitate the creation, issuance, or sale of such obligation or to provide for the payment or security of such obligation and any interest thereon, including, but not limited to, covenants and agreements relating to fixing and maintaining membership fees.

SEC. 7. Section 6008.5 is added to said code, to read:

Reduction of maximum membership fee

6008.5. Whenever the board has pledged, placed a charge upon, or otherwise made available all or any portion of the income or revenue from membership fees for the payment or security of an obligation of the State Bar or any interest thereon, and so long as any such obligation or any interest thereon remains unpaid, the Legislature shall not reduce the maximum membership fee below the maximum in effect at the time such obligation is created or incurred, and the provisions of this section shall constitute a covenant to the holder or holders of any such obligation.

CHAPTER 1527

An act to amend Section 7012 of the Education Code, relating to pupil transportation.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 7012 of the Education Code is amended to read:

7012. (a) "Transportation" as used in this article means, unless the context otherwise requires:

(1) The transportation of pupils between their homes and the regular full-time day schools attended by them as provided by a school district.

(2) The payment of moneys by a school district to parents or guardians of pupils in lieu of providing for the transportation of such pupils between their homes and the regular full-time day schools attended by them.

(3) The providing of board and lodging to pupils by a school district in lieu of providing for the transportation of such pupils between their homes and the regular full-time day schools attended by them.

(b) "Pupils" as used in this article does not include pupils for whom the Superintendent of Public Instruction determines excess costs under Section 9617.

(c) "Total current expenses of transportation" as used in Sections 7014, 7015, and 7016 does not include:

(1) Current expenses for the transportation of pupils for whose transportation the Superintendent of Public Instruction makes an allowance to the district under Section 7018.1; or,

(2) Any amount of rental of school busses which is in excess of the amount allowable to school districts for replacement of district-owned busses in accordance with regulations of the Superintendent of Public Instruction relating to allowances for pupil transportation. Renting or leasing a school bus does not include a lease-with-option-to-purchase.

CHAPTER 1528

An act to amend Section 7714.1 of the Education Code, relating to state school building aid.

[Approved by Governor July 4, 1957 Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7714.1 of the Education Code is amended to read:

Application: Site, etc., not part of construction project

7714.1. Notwithstanding any other provisions of this chapter, a district which applies for an apportionment for the purchase of a site or comprehensive master plan, or for the cost of the preparation of plans and specifications, which is not a part of a construction project, shall make a separate application for such site, comprehensive master plan, or plans and specifications in the same manner as prescribed by Section 7713.

All of the provisions of this chapter apply to such application and apportionment except that:

(a) If the Department of Education determines that within five years from the date of the application for the site or com-

prehensive master plan there will be sufficient enrollment in the district to show the need of such site or comprehensive master plan, it may approve the application. If the Department of Education determines pursuant to Section 7717, that within the period of years for which estimates of average daily attendance may be made for the particular type of district pursuant to Section 7717, the applicant district will need the plans and specifications, because it will be ready to commence with the construction covered by the plans and specifications, and that the area of construction covered by plans, when added to the adequate school construction existing in the applicant district at the time of the application, does not exceed the maximum allowable building area under Section 7717, it may approve the application. Any application referred to the board pursuant to this section shall be either approved or rejected pursuant to Section 7713. Any provision of Section 7713 inconsistent with this section shall not apply to such application.

(b) Sections 7705 and 7705.1 do not apply.

(c) An application for a site pursuant to this section may include an amount for the preparation of a comprehensive master plan for the development of the site.

(d) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment for a site or comprehensive master plan, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The repayment of the apportionment for plans and specifications, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the second fiscal year succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter. If an apportionment is granted pursuant to this section for a site and such site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, or if an apportionment is granted pursuant to this section for plans and specifications and such plans and specifications are subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, the district shall not be required to make any further repayments for the site, or the plans and specifications, as the case may be, pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site, or the plans and specifications, as the case may be, pursuant to this section shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project.

CHAPTER 1529

An act to amend Section 163 of the Fish and Game Code, and amend Section 10837 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to refuges.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 163 of the Fish and Game Code is amended to read:

163. District 4D. The following shall constitute 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. District 4D

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 163 of the Fish and Game Code adopted in 1933 is repealed. Effect Stats. 1957, Ch. 456

CHAPTER 1530

An act to amend Sections 3047, 3048, and 3051 of, and to add Sections 3108 to, the Business and Professions Code, relating to optometry.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3047 of the Business and Professions Code is amended to read:

3047. Each applicant shall show to the board by satisfactory evidence that he has successfully completed at least three resident courses of professional instruction in the study of optometry in a school or schools accredited by the board and that he has graduated from such accredited school. Completion of courses

SEC. 2. Section 3048 of said code is amended to read:

3048. Each course of instruction referred to in Section 3047 shall have been of not less than 32 weeks duration and the total number of hours shall consist of not less than 2,800 hours, according to the following schedule: Courses of instruction

Subject	Minimum Percentages
Anatomy and physiology; and anatomy and physiology of the eye	12%
Geometrical and physical optics	7%
Practical optics and practical optometry	15%
Physiological optics	9%
Theoretical optometry	14%
Pathology of the eye	3%
Clinical practice	15%
Total	75%
Electives in the above or related fields to bring total to	100%

SEC. 3. Section 3051 of said code is amended to read:

Collegiate work

3051. Each applicant for examination shall furnish proof, in addition to that required by Section 3047, that he has completed collegiate work consisting of at least sixty semester units of credits of not less than C grade average; included in these semester units the following are required: (i) Physics, (ii) Physiology or biology or zoology, (iii) Chemistry, (iv) Bacteriology, (v) Psychology, (vi) Analytical geometry.

Whenever possible these subjects shall be taken preliminary to the course of study required by Section 3047.

SEC. 4. Section 3108 is added to said code, to read:

Suspension of right to practice, etc.

3108. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental hospital of any certificate holder for a mental illness shall operate as a suspension of the right to practice of any certificate holder under this chapter, such suspension to continue until restoration to or 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 registration of the person adjudicated or committed. The board shall not restore such certificate of registration 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.

CHAPTER 1531

An act to amend Sections 2551 and 2553.5 of, and to add Section 2555.1 to, the Business and Professions Code, relating to dispensing opticians.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957]

In effect September 11, 1957

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

SECTION 1. Section 2551 of the Business and Professions Code is amended to read:

2551. Individuals and firms shall make application for registration before engaging in such business. Application for such registration shall be on forms prescribed by the board, shall bear the signature of the individual, or individuals if a copartnership, or the president or secretary if a corporation, and shall contain the name under which he, they or it proposes to do business and the business address. Separate applications shall be made for each place of business and each application must be accompanied by a registration fee of fifty dollars ($50). Upon refusal or denial of a certificate upon such application the board shall refund to the applicant thirty-five dollars ($35) of the application fee. Application

SEC. 2. Section 2553.5 of said code is amended to read:

2553.5. No individual, firm or corporation shall engage in the business of dispensing optician who is engaged in the manufacture or wholesale distribution to dispensing opticians or optometrists of lenses, frames, optical supplies, optometric appliances or devices or kindred products. A certificate of registration shall not be issued to any such individual, firm or corporation. The grinding and edging of lenses or the assembling of frames or parts thereof or the insertion of or mounting of lenses in frames shall not be construed as "manufacture" within the meaning of this section. Prohibition

SEC. 3. Section 2555.1 is added to said code, to read:

2555.1. In the discretion of the Board of Medical Examiners a certificate issued hereunder may be suspended or revoked if an individual certificate holder or the persons referred to in Section 2552 who will have charge of or manage the holder's general dispensing operations, or persons having any proprietary interest who will engage in dispensing operations, shall have been convicted of a felony under the laws of any state or of the United States arising out of or in connection with the practice of a dispensing optician. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction. Suspension or revocation of certificate

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this article. The board may order the certificate suspended or revoked, or may decline to issue a certificate, when the time for appeal has

elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

The proceeding under this section 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 board shall have all the powers granted therein.

CHAPTER 1532

An act to amend Sections 2611, 2616 and 2628 of, and to add Sections 2618 and 2619 to, and to repeal Sections 2626, 2626.1 and 2627 of, the Business and Professions Code, relating to registered physical therapists.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 2611 of the Business and Professions Code is amended to read:

Registration fee

2611. Each person granted registration under the provisions of this chapter shall pay to the board on or before the first day of January of each year an annual registration fee to be fixed by the board at not more than three dollars ($3) nor less than one dollar ($1).

SEC. 2. Section 2616 of said code is amended to read:

Refusal to register, etc

2616. After notice and hearing, the board may refuse to register any applicant, and may refuse to renew the registration of any registered person, and may suspend or revoke the registration of any registered person:

(a) Who is guilty of habitual intemperance or who is addicted to the use of narcotic drugs.

(b) Who has been convicted of violating any state or federal narcotic law.

(c) Who has been convicted of a felony or any crime involving moral turpitude.

(d) Who is guilty, in the judgment of the board, of gross negligence in his practice as a physical therapist.

(e) Who has obtained or attempted to obtain registration by fraud or material misrepresentation.

(f) Who has been convicted of a violation of any of the provisions of this chapter.

The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction as used in this section.

SEC. 3. Section 2618 is added to said code, to read:

Suspension of right to practice, etc

2618. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental hospital of any registrant for a mental illness shall operate as a suspension of the right to practice of any registrant 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 registration of the person adjudicated or committed. The board shall not restore such registration 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.

SEC. 4. Section 2619 is added to said code, to read:

2619. 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.

SEC. 5. Section 2628 of said code is amended to read:

Approval of schools

2628. For the purposes of Section 2607, the board shall approve each school of physical therapy that proves to the satisfaction of the board that it complies with the essentials of an acceptable school of physical therapy promulgated by the Council on Medical Education and Hospitals of the American Medical Association; provided, that each such school in addition shall comply with all of the provisions of this chapter and the rules of the board adopted pursuant to this chapter

Repeal

SEC. 6. Sections 2626, 2626.1 and 2627 of said code are hereby repealed.

CHAPTER 1533

An act to amend Sections 2665, 2669, 2670, 2671 and 2685 of, and add Sections 2688 and 2689 to, and to repeal Sections 2665.5, 2668, and 2668.5 of, the Business and Professions Code, relating to physical therapy.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 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:

License required

2665. Except as provided in this chapter, it is unlawful for any person or persons to practice or offer to practice physical therapy in this State for compensation received or expected, unless such person shall have been duly licensed under this chapter. This prohibition shall not apply to any of the following:

(a) Any activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or any activities by a full time assistant in such licentiate's office under his orders, direction and supervision.

(b) Registered physical therapists licensed under Chapter 5.6 of Division 2 of this code.

(c) The practice of physical therapy procedures by registered nurses when such practice is within the scope of their licenses.

(d) Any activities of nonregistered nurses permitted by Section 2731 of this code.

(e) Any person employed by any agency, bureau or division of the Government of the United States, while performing the duties of such employment.

(f) The demonstration of any physical therapy equipment by a salesman or merchant engaged in selling such equipment.

(g) The administration of massage, external baths or normal exercise.

Repeals

SEC. 2. Sections 2665.5, 2668, and 2668.5 of said code are hereby repealed.

SEC. 3. Section 2669 of said code is amended to read:

Investigation

2669. The examining committee shall have full authority to investigate each and every applicant for a license, before a license is issued, in order to determine whether or not such applicant has in fact the qualifications required by this chapter.

SEC. 4. Section 2670 of said code is amended to read:

Qualifications of applicants

2670. Every applicant for a license under this chapter must at the time of application be a resident of this State and a person over 21 years of age, of good moral character, not addicted to the intemperate use of alcohol or any narcotic drug, and have successfully completed courses of training

equivalent to the minimum standard established in this chapter for approval by the board.

SEC. 5. Section 2671 of said code is amended to read:

Examination

2671. No person shall receive a license under this chapter without first successfully passing an examination given under the direction of the examining committee. Such examination must be in writing and shall be conducted by such persons and in such manner and under such rules and regulations as shall be prescribed by the examining committee but must be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded.

SEC. 6. Section 2685 of said code is amended to read:

Suspension and revocation of license

2685. The board shall have the power in its discretion, after appropriate proceedings under the Administrative Procedure Act, to suspend for not more than 12 months or to revoke any license issued under this chapter for any of the following causes:

(a) Advertising in violation of Section 17500 of the Business and Professions Code.

(b) Fraud in the procurement of any license under this chapter.

(c) Procuring or aiding or offering to procure or aid in criminal abortion.

(d) Conviction of a felony or other crime involving moral turpitude. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.

(f) Habitual intemperance.

(g) Addiction to the excessive use of any habit-forming drug.

SEC. 7. Section 2688 is added to said code, to read:

2688. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 8. Section 2689 is added to said code, to read:

2689. 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 1534

An act to add Sections 7554 and 7551.5 to the Business and Professions Code, relating to private investigators and adjusters.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 7554 is added to the Business and Professions Code, to read:

Suspension of right to practice, etc

7554. 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 director he shall immediately suspend the license of the person adjudicated or committed. The director shall not restore such license to good standing until he shall receive competent evidence of restoration to or declaration of sanity and until he 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 director may require the person to pass an oral examination to determine his present fitness to resume his practice.

SEC. 2. Section 7551.5 is added to said code, to read:

7551.5. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction as that term is used in this article or Section 7528 of this chapter.

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article or Section 7528. The director 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 1535

An act to amend Sections 5621 and 5680 of, to repeal Section 5674 of, and to add a title to Article 5 (commencing with Section 5660) of Chapter 3.5 of Division 3 of, and Sections 5674, 5675 and 5676 to, the Business and Professions Code, relating to landscape architects.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5621 of the Business and Professions Code is amended to read:

5621. The terms of the members of the board first appointed shall expire as follows: One member January 15, 1954, two members January 15, 1955, two members January 15, 1956. Thereafter appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Vacancies occuring prior to the expiration of the term shall be filled by appointment for the unexpired term. Terms

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 2. A title to Article 5 is added to Chapter 3.5 of Division 3 of said code immediately preceding Section 5660, to read:

Article 5. Discipline

Repeal

SEC. 3. Section 5674 of said code is repealed.

SEC. 4. Section 5674 is added to said code, to read:

Suspension of right to practice, etc.

5674. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental hospital of any certificate holder for a mental illness shall operate as a suspension of the right to practice of any certificate holder under this chapter, such suspension to continue until restoration to or 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. 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.

SEC. 5. Section 5675 is added to said code, to read:

Felony conviction

5675. The conviction of a felony in connection with the practice of landscape architecture constitutes a ground for disciplinary action. The record of a conviction shall be conclusive evidence thereof.

SEC. 6. Section 5676 is added to said code, to read:

5676. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this article. The board may order the certificate suspended or revoked, or may decline to issue a certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 7. Section 5680 of said code is amended to read:

5680. (a) Every landscape architect shall pay an annual license fee to the department. The fee shall be due and payable on or before the thirty-first day of January of each year and shall become delinquent thereafter. Annual fee

(b) If the annual license fee is not paid before it becomes delinquent, a penalty of three dollars ($3) shall be added to the amount thereof.

(c) If the annual license fee and penalty are not paid before the thirtieth day of June in the year in which they became due, the landscape architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing by registered mail, return receipt requested, postage prepaid and addressed to the landscape architect at his address as it appears in the records of the board; a notice of the delinquency of the landscape architect stating that upon the expiration of time herein allowed his certificate will be suspended, unless within said time, the annual license fee and penalty are remitted.

(d) After the certificate has been suspended, it may be reinstated upon the payment of delinquency fees and penalties and a reinstatement fee of seven dollars and fifty cents ($7.50), and such proof of the landscape architect's qualifications as may be required in the sound discretion of the board. Reinstatement

(e) The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee. Receipt

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CHAPTER 1536

An act to amend Section 9540.3 of, and to add Section 9595.1 to, the Business and Professions Code, relating to dry cleaners.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 9540.3 of the Business and Professions Code is amended to read:

9540.3. An applicant, and each officer, director, partner, and associate thereof, shall possess good character. Lack of character may be established by showing any of the following: Qualifications

(a) That the applicant, or any officer, director, partner, or associate thereof, has committed or done any act which, if committed or done by any licensee would be grounds for the suspension or revocation of a license.

(b) That the applicant, or any officer, director, partner, or associate thereof, has committed or done any act involving dishonesty, fraud or deceit whereby the applicant has been benefited or whereby some injury has been sustained by another.

(c) That the applicant, or any officer, director, partner, or associate thereof, bears a bad reputation for honesty and integrity.

(d) That the applicant, or any officer, director, partner, or associate thereof, has been convicted of a felony. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

SEC. 2. Section 9595.1 is added to said code, to read:

Suspension or revocation, etc

9595.1. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article and Section 9540.3. 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 1537

An act to amend Section 9727 of, and to add Sections 9626.5, 9727.1, and 9727.2 to, the Business and Professions Code, relating to the Cemetery Act.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 9626.5 is added to the Business and Professions Code, to read:

Terms of office

9626.5. Each member of the board shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

SEC. 2. Section 9727 of said code is amended to read:

Grounds for suspension or revocation of license

9727. The board may suspend or revoke the license of any cemetery licensee who, within three years immediately preceding has done any of the following:

(a) Been convicted of a felony, arising from or in connection with his operation as a licensee, knowledge of which the board did not have at the time of last issuing a cemetery license to him. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

(b) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any cemetery property offered for sale.

(c) Wilfully disregarded or violated any of the provisions of this act relating to cemetery brokerage.

(d) Acted or conducted himself in a manner which would have warranted the denial of his application for a cemetery license, or for a renewal thereof.

SEC. 3. Section 9727.1 is added to said code, to read:

9727.1. The board may suspend or revoke the license of any cemetery licensee who procures a cemetery license, for himself or any salesman, by fraud, misrepresentation or deceit. An action to suspend or revoke a license for a violation of the provisions of this section shall be commenced within three years after the discovery by the board of such violation.

SEC. 4. Section 9727.2 is added to said code, to read:

9727.2. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

CHAPTER 1538

An act to amend Sections 8772, 8780, 8803 and 8805 of, and to add Section 8783 to, the Business and Professions Code, relating to the practice of land surveying.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 8772 of the Business and Professions Code is amended to read:

8772. Any monument set by a licensed land surveyor or registered civil engineer to mark or reference a point on a property or land line shall be permanently and visibly marked or tagged with the certificate number of the surveyor or civil engineer setting it, each number to be preceded by the letters "L. S." or "R. C. E.," respectively, as the case may be or, if the monument is set by a public officer, it shall be marked with his official title. Monument marks

This section does not apply to monuments set by the State Division of Highways to mark state highway boundaries.

SEC. 2. Section 8780 of said 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 certifi- Suspension or revocation of license

cate of any licensed land surveyor or registered civil engineer, respectively licensed hereunder or registered under the provisions of Chapter 7 of Division III 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.

(d) Any conviction of a felony in connection with the practice of land surveying. The record of the conviction shall be conclusive evidence thereof.

SEC. 3. Section 8783 is added to said code, to read:

8783. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or 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. 4. Section 8803 of said code is amended to read:

Restoration of expired license

8803. Any license which has expired for nonpayment of the annual renewal fee fixed by this chapter may be restored, within one year from its expiration under rules and regulations prescribed by the board and by payment of the delinquency fee prescribed by this chapter.

SEC. 5. Section 8805 of said code is amended to read:

Fee schedule

8805. The amount of the fee prescribed by this chapter is that fixed by the following schedule:

(a) The application fee is twenty dollars ($20).

(b) The license fee is ten dollars ($10).

(c) The duplicate certificate fee is one dollar ($1).

(d) The annual renewal fee shall be fixed by the board at not more than eight dollars ($8) and not less than four dollars ($4).

(e) The temporary license fee is ten dollars ($10).

(f) The delinquency fee is four dollars ($4).

CHAPTER 1539

An act to amend Sections 7603, 7691, and 7708 of, and to add Sections 7709 and 7710 to, the Business and Professions Code, relating to funeral directors and embalmers.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7603 of the Business and Professions Code is amended to read:

7603. 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. Terms of office

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1940; two members, January 15, 1941; one member, January 15, 1942; and one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the terms for which he holds office before this chapter takes effect.

Vacancies occurring shall be filled by appointment for the unexpired term. Vacancies

SEC. 2. Section 7691 of said code is amended to read:

7691. Conviction of a crime involving moral turpitude constitutes a ground for disciplinary action. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction. Ground for disciplinary action

SEC. 3. Section 7708 of said code is amended to read:

7708. The board, after a hearing, may deny the application of a funeral director, embalmer, or apprentice embalmer on proof that the applicant has been convicted of a crime involving moral turpitude, fraud or dishonesty. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction. Denial of application

SEC. 4. Section 7709 is added to said code, to read:

7709 A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, Suspension or revocation, etc., of license

or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 5. Section 7710 is added to said code, to read:

7710. 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 1540

An act to amend Sections 7202, 7210, and 7211.9 of, and to add Sections 7211.1 and 7211.2 to, the Business and Professions Code, relating to guide dogs for the blind.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 7202 of the Business and Professions Code is amended to read:

Terms of office

7202. Each of the appointed members of the board shall hold office for a term of four years and until his successor is appointed and qualified 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 an appointed member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 2. Section 7210 of said code is amended to read:

License required

7210. It shall be unlawful for any person to sell, offer for sale, give, hire or furnish under any other arrangement, any

guide dog or seeing-eye dog or to engage in the business or occupation of training any such dog unless he holds a valid and unimpaired license issued pursuant to the provisions of this chapter.

SEC. 3. Section 7211.1 is added to said code, to read:

Suspension of right to practice, etc

7211.1. 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 the 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.

SEC. 4. Section 7211.2 is added to said code, to read:

7211.2. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 5. Section 7211.9 of said code is amended to read:

7211.9. The board may suspend or revoke a license or certificate issued under this chapter if it determines that the licensee, or registrant, or its manager or responsible directing officer has:

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

(b) Violated any provision of this chapter.

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

(d) Been convicted of a felony or of any crime involving moral turpitude, or has been convicted of any offense involving cruelty to animals. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

(e) Committed any act which would be grounds for denial of a license.

CHAPTER 1541

An act to amend Section 8955 of, and to add Sections 8956 and 8957 to, the Business and Professions Code, relating to yacht and ship brokers.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 8955 of the Business and Professions Code is amended to read:

Revocation of license

8955. The commissioner may suspend or revoke the license of a broker or salesman who within three years immediately preceding has committed any of the following acts or against whom and within said period any of the following conditions exist:

(a) Has been convicted of a felony and has withheld information of that fact from the commissioners. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

(b) Knowingly authorizes, directs, connives, or aids in the publication, advertisement or distribution or circulation of any material false statement or misrepresentation concerning his business or any such transaction under this chapter.

(c) Wilfully disregards or violates any of the provisions of this chapter.

(d) Wilfully uses the term "yacht and ship broker" or "yacht and ship salesman" without being licensed as such.

SEC. 2. Section 8956 is added to said code, to read:

8956. The commissioner may suspend or revoke the license of a broker or salesman who procures a license under this chapter for himself or another by fraud, misrepresentation, or deceit. An action to suspend or revoke a license for a violation of the provisions of this section shall be commenced within three years after the discovery by the commissioner of such violation.

SEC. 3. Section 8957 is added to said code, to read:

8957. 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 commissioner

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 1542

An act to amend Sections 16305.5, 16305.6, 16470, 16473, 16474, 16480.1, 16480.4, 16480.7, 16500, 16502, 16503, 16508, 16521, 16523, 16531, and 16533 of, to repeal Sections 16407.3, 16413, 16420, 16421, 16422, 16423, 16424, and 16759 of, to repeal Articles 2 and 3 of Chapter 3 of Part 2 of Division 4 of Title 2 of, and to add Sections 16430 and 16473.5 to, the Government Code, to amend Sections 12810 and 12811, and to repeal Section 12812 of the Water Code, and to repeal Section 4 of Chapter 611 of the Statutes of 1943, and Sections 5107, 7909, and 7922 of the Education Code, relating to state funds.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 16305.5 of the Government Code is amended to read:

16305.5. Money in treasury trust accounts may be deposited by the State Treasurer in banks, as provided in Chapter 4 of Part 2 of Division 4 of Title 2 of this code, to the same extent as if the money in trust accounts were money in the State Treasury, or it may be invested and reinvested by the State Treasurer in any securities described in Section 16430 of this code. Deposit and investment

SEC. 2. Section 16305.6 of said code is amended to read:

16305.6. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money in the custody of the Treasurer is not necessary for immediate use, and if so it shall determine the excess amount, which shall thereupon be designated as money available for investment. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money previously designated as available for investment, or already invested, is needed for the purpose of carrying out the provisions of Sections 16305.3 to 16305.7, inclusive. Thereupon it shall reduce the amount of money declared available for investment, or money already invested, Money available for investment

by the amount determined to be needed, and the Treasurer is authorized to realize this amount.

Determination

For the purposes of this section, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them.

Repeals

SEC. 3. Sections 16420, 16421, 16422, 16423, and 16424, and Articles 2 and 3 of Chapter 3 of Part 2 of Division 4 of Title 2 of said code are repealed.

SEC. 4 Section 16430 is added to Article 1 of Chapter 3 of Part 2 of Division 4 of Title 2 of said code, to read:

Eligible securities

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this State, or those for which the faith and credit of this State are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this State.

SEC. 5. Section 16470 of said code is amended to read:

"Surplus money"

16470. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money then on deposit in the State Treasury to the credit of any fund, exclusive of the General Fund and exclusive of any special funds the investment of which is otherwise provided for by law, is not necessary for immediate use; and if so, it shall determine the amount thereof in each such fund, which amount shall thereupon be designated as "surplus money." This article does not apply to the State Highway Fund.

SEC. 6 Section 16473 of said code is amended to read:

Reduction of surplus

16473. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money theretofore transferred to and remaining in the Surplus Money Investment Fund from any special fund is needed by such special fund to carry out the purposes for which it was created; and if so, it shall determine the amount thereof. Thereupon, it shall reduce the amount of surplus money theretofore designated with respect to such special fund by the amount determined to be needed by such fund. Upon such reduction of the surplus money in any special fund, the State Treasurer shall, on order of the State Controller, transfer from the Surplus Money Investment Fund to such special fund an amount of money equal to that by which the surplus money of such fund was reduced.

SEC. 7. Section 16473.5 is added to said code, to read:

16473.5. For the purposes of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them. Determinations

SEC. 8. Section 16474 of said code is amended to read:

16474. The money in the Surplus Money Investment Fund, shall be invested and reinvested by the State Treasurer in any securities described in Section 16430 of this code or in inactive bank deposits as provided in Chapter 4 of this part and the interest from any such investments including any such inactive deposits shall be returned to the Surplus Money Investment Fund. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the State. Investment and sale

SEC. 8.5. Section 16480.1 of said code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 2 of this chapter or in bank accounts, and the type of investment or deposit. Pooled Money Investment Board

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Nothwithstanding the provisions of Sections 7 5 and 7.6 of this code. the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them. Determinations

SEC. 9. Section 16480.4 of said code is amended to read:

16480.4. Amounts available for investment under this article may be invested and reinvested by the State Treasurer in any securities described in Section 16430 of this code. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the State. Investment and sale

SEC. 10. Section 16480.7 of said code is amended to read:

16480.7. Not later than 30 days after the close of each month there shall be placed on file for public inspection during business hours at the offices of the Controller, Treasurer and Director of Finance: Public notice

(a) A report by the Treasurer with respect to investments made under this article and bank accounts showing transac-

tions during such month and any related information the board deems should be included; and

(b) A copy of each designation made by the board under this article.

SEC. 11. Section 16500 of said code is amended to read:

"Eligible bank"

16500. As used in this chapter, "eligible bank" means a state or national bank located in this State and selected by the Treasurer for the safekeeping of money belonging to or in the custody of the State. Such a bank is eligible to receive deposits only to the extent that it furnishes the security required by this chapter.

SEC. 12. Section 16502 of said code is amended to read:

Deposit of other money

16502. All other money in the State Treasury or under the control of the Treasurer belonging to or in the custody of the State, shall, so far as possible, be deposited by the Treasurer to the credit of the State in eligible banks. Any sum in the State Treasury so deposited is deemed to be in the State Treasury. Any other amount so deposited is deemed to be held in trust by the Treasurer.

SEC. 13. Section 16503 of said code is amended to read:

Types of deposits

16503. Subject to the limitations of Article 4.5 of this chapter, the Treasurer shall determine what amounts of money shall be deposited:

(a) As inactive deposits, and the rates of interest to be received.

(b) As active deposits, and the rates of interest to be received, if any.

SEC. 14. Section 16508 of said code is amended to read:

Treasurer not responsible

16508. The Treasurer is not responsible for any money deposited in a bank pursuant to this chapter, and while it remains so deposited.

SEC. 15. Section 16521 of said code is amended to read:

Eligibility to receive, etc., deposits

16521. To be eligible to receive and retain active or inactive deposits, a bank shall deposit with the Treasurer as security for such deposits, securities specified in Section 16522, and approved by the Treasurer, in an amount in value at least 10 percent in excess of the amount deposited with the bank.

SEC 16. Section 16523 of said code is amended to read:

Indemnity bond

16523. If it appears to him necessary for the security of the State, the Treasurer shall require as a condition of eligibility that a bank furnish an indemnity bond approved by the Treasurer, conditioned against loss by any depreciation in value that may occur in securities deposited as security for the safekeeping and prompt payment of deposits. The sureties shall not be stockholders of the principal.

SEC. 17. Section 16531 of said code is amended to read:

Withdrawal or release of security

16531. That portion of any security for deposit that is in excess of the requirements of this article may be withdrawn or released on the written consent of the Treasurer.

SEC. 18. Section 16533 of said code is amended to read:

16533. If at any time the security deposited with the Treasurer is not deemed satisfactory by the Treasurer, he may require such additional security as is satisfactory to him. Additional security

SEC. 19. Section 12810 of the Water Code is amended to read:

12810. The Flood Control Fund of 1946 is continued as a special fund in the State Treasury, the moneys of which shall be held in trust by the State Treasurer for the purposes for which appropriated, to be expended when allocated by legislation to pay the cost of cooperation by the State with the United States in the construction of projects for flood control. Flood Control Fund

SEC. 20. Section 12811 of the Water Code is amended to read:

12811. The Flood Control Fund of 1946 consists of such appropriations as the Legislature makes to the fund.

SEC. 21. Section 12812 of the Water Code is repealed. Repeals

SEC. 22. Section 4 of Chapter 611 of the Statutes of 1943, as amended by Chapter 1492 of the Statutes of 1945, is repealed.

SEC. 23. Sections 5107, 7909, and 7922 of the Education Code are repealed.

SEC. 24. Sections 16407.3, 16413, and 16759 of the Government Code are repealed.

SEC. 25. On the effective date of this act, the Controller shall exchange the securities held as investments in the Flood Control Fund of 1946, the School Bond Retirement Fund, the State School Building Aid Fund, the Public School Building Loan Fund, the Capital Outlay and Savings Fund, and the Revenue Deficiency Reserve Fund for money available for investment under Article 4.5 of Chapter 3, Part 2, Division 4, Title 2, Government Code (commencing with Section 16480), such securities to be exchanged at their values as they appear on the accounts of the special funds respectively at the time of exchange. Upon order of the Controller, the Treasurer shall make the corresponding transfers of the securities. Exchange of securities

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CHAPTER 1543

An act to add Article 4 (commencing with Section 26945) to Chapter 4, Part 3, Division 2 of Title 3 of the Government Code, relating to the qualifications of county auditors.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 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 4, Part 3, Division 2 of Title 3 of the Government Code, to read:

Article 4. Qualifications for Office

Qualifications for county auditors

26945. No person shall hereafter be elected or appointed to the office of county auditor of any county unless:

(a) He possesses a valid certificate issued by the California State Board of Accountancy under the provisions of Chapter 1, Division 3 of the Business and Professions Code showing him to be, and a permit authorizing him to practice as, a certified public accountant or as a public accountant; or

(b) He possesses a valid certificate or diploma of graduation from a school of accountancy; or

(c) He has served as county auditor or as deputy county auditor for a continuous period of not less than three years.

This section shall not apply to any person duly elected or appointed as a county auditor and actually serving as such officer on the effective date of this section, and such person shall be deemed to be eligible to hold, and to be re-elected to, said office notwithstanding the provisions of this section.

Where effective

26946. The provisions of this article shall become effective in only those counties in which, prior to the first day of the period for filing declarations of candidacy for the office of county auditor, the board of supervisors by a unanimous vote, at a regular meeting with all members present, enact an ordinance adopting the provisions of this article. The ordinance so adopted may be repealed by the board of supervisors at any time.

CHAPTER 1544

An act to amend Section 29145 of the Government Code, relating to transfers or revisions.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 29145 of the Government Code is amended to read:

29145. Transfers or revisions may be made by an action formally adopted by the board at a regular or special meeting and entered in its minutes.

CHAPTER 1545

An act to amend Section 170 of the Code of Civil Procedure, relating to disqualifications of judges.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 170 of the Code of Civil Procedure is amended to read:

170. No justice or judge shall sit or act as such in any action or proceeding: Grounds for disqualification

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law, or when he is indebted, through money borrowed as a loan, to either party, or to an attorney, counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivisions 2 or 4 hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed;

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

5. When it is made to appear probable that, by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had before him.

Declaration

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes or docket. It shall thereupon be the duty of the clerk, or the judge if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.

Affidavit

In justice courts when, before the trial, either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before the judge before which the action is

pending, by reason of the interest, prejudice or bias of the judge, the court may order the transfer of the action, and the provisions of Section 398 of this code shall apply to such transfer.

Statement of objection

Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge.

Consent or answer

Within five days after the presentation and filing of any such statement, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 of this code for the verification of pleadings. The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

Determination of disqualification

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge requested to act by the chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the chairman of the Judicial Council of that fact; and it shall be the duty of the chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to request some other judge, not disqualified, to hear and determine the question.

Action or proceeding before another judge

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein

allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, appointed by the chairman of the Judicial Council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

When disqualified

6 In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right of way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of the municipal court or justice court of the judicial district, in which such real property, or any part thereof, or such easement or right of way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge requested to sit therein by the chairman of the Judicial Council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge to sit or act in place of the judge disqualified under the provisions of this subdivision, the judge agreed upon shall be called by the judge so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

Temporary injunction

Physical impairment

7. When, as a judge of a court of record, by reason of permanent or temporary physical impairment, he is unable to properly perceive the evidence or properly conduct the proceedings.

Where opposing party fails to appear

8. Notwithstanding anything contained in subdivision 6 of this section, a judge of the superior court or a judge of the municipal court or justice court of the judicial district, in which any real property is located, shall not be disqualified to hear or determine any matter in which the opposing party shall have failed to appear within the time allowed by law, or as to such of the opposing parties who shall have failed to appear within

the time allowed by law, and as to which matter or parties the same shall constitute purely a default hearing; provided, that nothing in this section contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial distict, from issuing an order for immediate possession in proceedings in eminent domain.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title 4, Part 2 of this code.

CHAPTER 1546

An act to amend Section 70045.6 of the Government Code, relating to compensation for public service in counties of the eleventh class.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 70045.6 of the Government Code is amended to read:

70045.6. In a county with a population of over 220,000 and under 230,000, each regular reporter shall be paid an annual salary of seven thousand two hundred dollars ($7,200), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be five dollars ($5).

CHAPTER 1547

An act to amend Section 28137 of the Government Code, relating to compensation for public services in counties of the thirty-seventh class.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 28137 of the Government Code is amended to read:

28137. In a county of the thirty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

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

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

(c) Each supervisor shall receive three thousand nine hundred dollars ($3,900) a year, and his actual expenses while

attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors.

(d) Grand jurors and jurors in the superior court shall receive five dollars ($5) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

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

CHAPTER 1548

An act to amend Section 28138 of the Government Code, relating to compensation for public services in counties of the thirty-eighth class.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28138 of the Government Code is amended to read:

28138. In a county of the thirty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand six hundred eighty dollars ($3,680) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. If the office of district attorney is consolidated with that of public administrator, the holder of the consolidated office shall receive a salary of seven thousand five hundred dollars ($7,500) a year, and all fees received by the holder of the consolidated office in performing the duties of public administrator shall be paid into the county treasury.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year.

(d) Grand jurors and trial jurors in the superior court shall receive four dollars ($4) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, in going only for each and every day a juror is required by law to attend upon the particular duty assigned to him. Fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 1549

An act to amend Section 19.6 of the Fish and Game Code, and Section 221 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to the powers of the Fish and Game Commission.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 19.6 of the Fish and Game Code is amended to read:

Termination date

19.6. The provisions of this article 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.

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 19.6 of the Fish and Game Code adopted in 1933 is repealed.

CHAPTER 1550

An act to amend Section 15 of Chapter 737 of the Statutes of 1951, relating to the Interim San Francisco Bay Ports Commission.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 15 of Chapter 737 of the Statutes of 1951 is amended to read:

Sec. 15. This act shall continue in effect until the ninety-first day after the adjournment of the Legislature in 1959, after which date it shall have no further force or effect.

CHAPTER 1551

An act to add Section 69610 to the Government Code, relating to the number of judges of the Superior Court of Yolo County.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 69610 is added to the Government Code, to read:

69610. In the County of Yolo there shall be two judges of the superior court.

CHAPTER 1552

An act to add Article 3.5 (commencing with Section 37440) to Chapter 5, Part 2, Division 3, Title 4 of the Government Code, relating to city airports.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 3.5 is added to Chapter 5, Part 2, Division 3, Title 4 of the Government Code, to read:

Article 3.5. Sale and Leases of Airports

Alternative provisions

37440 The provisions of this article are alternative to Sections 37350 and 37351 of this code and any other authority granted by law to cities to dispose of city-owned property.

Application

37441. This article applies only to a municipal airport or property owned by a city for the purposes specified in Section 37442, which property is restricted, under the terms of the instrument conveying the property to the city, to use for airport purposes.

Sale or lease of municipal airport

37442. Pursuant to this article the legislative body of a city may sell, or lease for a term not exceeding 20 years with an option to purchase, any municipal airport or any property owned by a city for airport purposes or purposes incidental to aircraft, including:

(a) Manufacture of aircraft, airplane engines, and aircraft equipment, parts, and accessories.

(b) Construction and maintenance of hangars, mooring masts, flying fields, signal lights, radio equipment, service shops, conveniences, appliances, works, structures, and other air navigation, aircraft, and airplane engine manufacturing plants and facilities.

The sale or lease shall be made in such manner and upon such terms and conditions as the legislative body may specify.

37443. In any sale or lease of property with option to purchase, made or entered into pursuant to Section 37442, the purchase price for any property sold or the consideration for or rentals payable pursuant to any lease shall be payable at such times and in such amounts as the legislative body may determine. In any sale or lease of such property with option to purchase, the legislative body may provide that all or any part of the unpaid portion of the purchase price shall be secured by a mortgage or deed of trust. Where such property is leased with an option to purchase, the legislative body may provide that all or any portion of the consideration paid for or rentals received by the city under said lease may be credited against the purchase price specified therein. Any sale or lease of such property with option to purchase shall be made subject to any duty or obligation imposed by law or contract upon the city with respect to such property. Any sale of such property shall be made subject to the requirement that the purchaser use the property, or allow the use of such property, as a public airport for not less than 10 years from the date of the sale unless earlier discontinuance of such use is permitted by the Administrator of the Civil Aeronautics Administration of the United States Department of Commerce.

Security

37444. No sale or lease of any property with option to purchase shall be made or entered into pursuant to Section 37442 except when previously authorized by ordinance adopted by a four-fifths vote of all members of the legislative body. No vote of the electors of the city shall be required to authorize any such sale or lease of property with option to purchase, but any ordinance adopted authorizing such sale or lease shall be subject to referendum in the manner provided by law.

Ordinance

CHAPTER 1553

An act to amend Section 28154 of the Government Code, relating to compensation for public service in counties of the fifty-fourth class.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 28154 of the Government Code is amended to read:

28154. In a county of the fifty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand dollars ($3,000) a year.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, for all services required of him by law in any

capacity, and ten cents ($0.10) a mile (1) for each mile actually and necessarily traveled when traveling within or without the county on county business. (2) In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Grand jurors shall be paid seven dollars ($7) a day, and jurors in the superior court shall be paid six dollars ($6) for each day's attendance. Grand and trial jurors shall receive ten cents ($0 10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

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

CHAPTER 1554

An act to amend Section 28127 of the Government Code, relating to compensation for public service in counties of the twenty-seventh class.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

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

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

(a) The auditor, eight thousand dollars ($8,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, three thousand dollars ($3,000) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed seventy-five dollars ($75) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers,

and submit signed receipts and vouchers for any expenses in excess of two dollars ($2). Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of seven cents ($0.07) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of seven cents ($0.07) a mile for all mileage actually traveled outside the county shall be paid.

(d) Grand jurors, for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations shall receive five dollars ($5) per day and fourteen cents ($0.14) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

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

CHAPTER 1555

An act to amend Section 24001 of, and to add Section 27550.1 to, the Government Code, relating to qualifications of county surveyors.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 24001 of the Government Code is amended to read:

Qualifications

24001. Except as provided in Section 27550.1 of this code, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 21 years or over, a citizen of the State, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to such position be a citizen of

the State or an elector of the county or district at the time of his appointment.

SEC. 2. Section 27550.1 is added to the Government Code, to read:

27550.1. The qualifications for eligibility to a county or district office, required by Section 24001 of this code, shall not apply to candidates or applicants for the office of surveyor in a county containing a population of under 9,750. Exemption

CHAPTER 1556

An act to amend Section 24001 of the Government Code, relating to irrigation districts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Section 27550.1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 21 years or over, a citizen of the State, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to such position be a citizen of the State or an elector of the county or district at the time of his appointment.

The assessor, tax collector, or treasurer of a district formed under the Irrigation District Law (commencing at Section 20500 of the Water Code) need not be a resident of the district in which the duties of the office are to be exercised.

CHAPTER 1557

An act to amend Sections 205, 206.5, and 206.7 of the Civil Code, relating to the obligation of support.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 205 of the Civil Code is amended to read:

205. If a parent chargeable with the support of a child dies, leaving it chargeable to the county, or leaving it confined in a state institution to be cared for in whole or in part at the expense of the State, and such parent leaves an estate sufficient Death of Parent

for its support, the supervisors of the county or the director of the state department having jurisdiction over the institution involved, as the case may be, may claim provision for its support from the parent's estate by civil action, and for this purpose may have the same remedies as any creditors against that estate, and against the heirs, devisees, and next of kin of the parent.

SEC. 2. Section 206 5 of said code is amended to read:

Petition for release of duty

206.5. Any adult person may file in the superior court a verified petition alleging that, while he was a minor under 16 years of age, he was abandoned by a parent, and such abandonment continued for a period of two or more years prior to the time such person reached the age of 16 years, and such parent during such period was physically and mentally able to support such person, and praying the court to free such person from the obligation otherwise imposed by law to support such parent. The clerk shall thereupon set the same for hearing by the court and issue a citation directed to said parent setting forth the time and place of hearing so fixed by him. The citation and a copy of the petition shall be personally served on the parent in the same manner as provided by law for the service of summons at least five days before the time of hearing. If, upon hearing, the court determines that the allegations in the petition are true it shall issue a decree granting the relief prayed for.

Application

A person released from the obligation to support a parent as provided in this section shall be deemed to be so released with respect to any state law under which a child is required to pay for the support, care, maintenance, and the like of a parent, or to reimburse the State or a local public agency for furnishing such support, care, maintenance, or the like.

SEC. 3. Section 206.7 of said code is amended to read:

Application to county

206 7. In the event that the parent of a person seeking to maintain an action pursuant to Section 206.5 is an applicant for or recipient of aid under Chapter 1 of Division 3, Chapter 2 of Division 4, Chapter 1 of Part 1 of Division 5, or Chapter 3 of Part 1 of Division 5 of the Welfare and Institutions Code, the person seeking to maintain the action shall first make application to the board of supervisors of the county responsible for granting such aid for an order freeing him from responsibility for the support of his parent. At the time of making such application, the person shall produce proof, either by a person who was in a position to know the facts, other than the parent against whom relief is sought, or by documentary or other reliable evidence, that while he was a minor under 16 years of age he was abandoned by the parent for a period of two or more years and that during such period the parent was physically and mentally able to support him. If the board denies his request or fails to act upon such request within 30 days, such person shall be entitled to file an action pursuant to Section 206 5.

CHAPTER 1558

An act to amend Section 10270.1 of the Insurance Code, relating to insurance.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 10270.1 of the Insurance Code is amended to read:

10270.1. (a) As used in this section: Definitions

(1) "Institution" means any school, college or other institution of learning or the principal or head thereof.

"Camp" means one or more tents, vehicles, buildings or structures together with the tract of land appertaining thereto, established or maintained as living quarters for temporary occupancy by 10 or more people, and shall include the principal or head thereof.

(2) "Student" means any student or pupil or his parent, guardian or other person who pays or becomes obligated to pay the tuition or fee required for registration or attendance at the institution.

"Camper" means any person or his parent, guardian or other person who pays or becomes obligated to pay the tuition or fee required for registration or attendance at the camp.

(3) "Tuition refund insurance" means any policy which, because of a student's or camper's absence from, or inability to register at or attend, an institution or camp, as the case may be, provides for the indemnification of the student or camper for his loss of tuition or fee, or if he has been previously indemnified therefor by the institution or camp, for its reimbursement.

(b) Except to the extent provided herein, the other sections of this chapter shall not apply to tuition refund insurance providing coverage for ten (10) or more students or campers. Where not applicable

(c) No policy of tuition refund insurance shall be delivered or issued for delivery to any person in this State unless approved as to substance and form by the commissioner. The commissioner may, after notice and hearing, promulgate such reasonable rules and regulations, relating to the substance, form and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to disability policies, and to further the purpose or purposes for which such policies are to be issued. Substance, form, and issuance of policies

(d) Tuition refund insurance may be issued only to an institution or camp which does not have a similar policy in effect, but its cost may be borne by the student or camper, as the case may be, in which event he may, upon request, obtain from the insurer a copy of the policy. To whom issuable

CHAPTER 1559

An act to add Section 139.45 to the Vehicle Code, relating to motor vehicles.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 139.45 is added to the Vehicle Code, to read:

139.45. Safety Belt Reports. Any member of the California Highway Patrol who investigates a motor vehicle accident involving death or personal injury to any person shall file a report with the department of his opinion as to the effect, if any, safety belts would have had in such accident, or as to their effect if used. The department shall submit a compilation of such reports to the Legislature at the next general session.

CHAPTER 1560

An act to amend Section 1989 of the Code of Civil Procedure, relating to the distance a witness may be required to attend.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 1989 of the Code of Civil Procedure is amended to read:

1989. A witness is not obliged to attend as a witness before any court, judge, justice, or any other officer, out of the county in which he resides, unless the distance be less than one hundred fifty miles from his place of residence to the place of trial.

CHAPTER 1561

An act to amend Section 1506 of the Penal Code, relating to the right of appeal of the people in habeas corpus cases.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 6, 1957.]

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

SECTION 1. Section 1506 of the Penal Code is amended to read:

1506. An appeal may be taken to the district court of appeal by the people from a final order of a superior court made upon the return of a writ of habeas corpus discharging a defendant or otherwise granting all or any part of the relief

sought, after his conviction in all criminal cases, excepting criminal cases where judgment of death has been rendered, and in such cases to the Supreme Court; and in all criminal cases after conviction of the defendant where an application for a writ of habeas corpus has been heard and determined in a district court of appeal, either the defendant or the people may apply for a hearing in the Supreme Court. Such appeal shall be taken and such application for hearing in the Supreme Court shall be made in accordance with rules to be laid down by the judicial council. If the people appeal, or petition for hearing in either the district court of appeal or the Supreme Court, the defendant shall not, in any case in which the judgment of conviction has become final, be discharged from custody pending final decision upon the appeal or petition for hearing and he must, in such cases, be retaken into custody if he has been discharged; provided, however, that in bailable cases the defendant may be admitted to bail, in the discretion of the judge, pending decision of the appeal or petition for hearing. If the order grants relief other than a discharge from custody, the trial court or the court in which the appeal or petition for hearing is pending may, upon application by the people, in its discretion, and upon such conditions as it deems just stay the execution of the order pending final determination of the matter.

CHAPTER 1562

An act to amend Section 6659 of the Welfare and Institutions Code, relating to transportation charges.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6659 of the Welfare and Institutions Code is amended to read:

6659. All moneys collected by the Department of Mental Hygiene for the cost and charges of transportation of persons to state hospitals shall be remitted by the department to the State Treasury for credit to, and shall become a part of, the current appropriation from the General Fund of the State for the transportation of insane, correctional school, or other state hospital inmates and shall be available for expenditure for such purposes. In lieu of exact calculations of moneys collected for transportation charges the department may determine the amount of such collections by the use of such estimates or formula as may be approved by the Department of Finance.

CHAPTER 1563

An act to amend Sections 20382.1, 20383.5, and 20384 of the Education Code, relating to sabbatical leaves for state college faculty members.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 20382.1 of the Education Code is amended to read:

Limitation on leaves

20382.1. Not more than 5 percent of the employees of any state college having the rank of assistant professor or higher or the equivalent thereof shall be granted leaves of absence under this article for the same or overlapping periods of time.

SEC. 2. Section 20383.5 of said code is amended to read:

Leave with pay

20383.5. A member of the faculty of a state college having a rank not lower than that of assistant professor or the equivalent thereof in the case of a state college not ranking the members of its faculty on a professorial scale or ranking members of its faculty on both a professorial and equivalent instructor scale and vocational instructor scale, and eligible for a leave of absence under this article, may be granted a leave of absence for six months with full pay or a leave of absence for one year with one-half pay for the purpose of such study as the Director of Education shall approve.

Limitations

No leave of absence shall be granted to any faculty member under this section who has not been employed full-time for at least six consecutive years in a state college, and not more than one such leave of absence shall be granted in each six-year period. Not more than 5 percent of the eligible faculty of any state college as defined in this section shall be granted leaves of absence in any one year; provided, however, a minimum of one faculty member of each college shall be eligible for a leave of absence. Whenever the 5 percent computation results in a fraction of 50 percent or more of a faculty member being eligible a faculty member shall be eligible for such fraction. The computation of the total number eligible for leave of absence under this article for any academic year shall be made on March 1st of the preceding academic year.

SEC. 3. Section 20384 of said code is amended to read:

Compensation

20384. Compensation granted an employee on leave of absence under this article may be paid in two equal annual installments during the first two years of service rendered in the employ of the state college, following the return of the employee from the leave of absence. The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were serving in the college, upon the furnishing by the employee of a suitable bond indemnifying the State of California against loss in the event the employee fails to render at least two years service in the col-

lege, following the return of the employee from the leave of absence. The bond shall be exonerated in the event the failure of the employee to return, and render two years of service is caused by the death or physical or mental disability of the employee. If the State Board of Education finds and by resolution declares that the interests of the State of California will be protected by the written agreement of the employee to return to the service of the college and render at least two years service therein following his return from the leave of absence, the State Board of Education, in its discretion may waive the furnishing of the bond and order payment of the employee on leave of absence in the same manner as though a bond is furnished.

Leave without pay

If the Director of Education determines that the best interests of the State will be so served, he may grant to such employee one leave of absence without pay, not to exceed one year, at any time following the completion of a leave of absence with pay pursuant to this article. Time spent on such leave of absence without pay shall not be credited toward the two years service required by this section following a leave of absence with pay.

CHAPTER 1564

An act to amend Section 28134 of the Government Code, relating to compensation for public service in counties of the thirty-fourth class.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28134 of the Government Code is amended to read:

28134. In a county of the thirty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, for all services required of him as supervisor, four thousand two hundred dollars ($4,200) a year. He shall also receive the following mileage and traveling expenses: when using a privately owned automobile, eight cents ($0.08) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board

of supervisors and in attending each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of eight cents ($0.08) a mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

(d) For attending as a juror in the superior court or in the justice courts, each juror shall be paid three dollars ($3) for each day's attendance upon the court and eight cents ($0.08) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

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

CHAPTER 1565

An act to amend and renumber Section 163 (Chapter 703, Statutes of 1947 General Session) of the Revenue and Taxation Code, relating to the verification of property taxes.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 163 (Chapter 703, Statutes of 1947 General Session) of the Revenue and Taxation Code is amended to read:

164. The chief accounting officer of each taxing agency other than the State, may examine and audit the accounts of any other taxing agency, other than the State, charged under any provision of this code with the apportionment of the proceeds of collections made on behalf of both agencies. In the event more than one taxing agency has an interest in such collections the governing bodies of the interested taxing agencies may enter into an agreement to accept the report on the audit of the chief accounting officer of one of such interested taxing agencies.

As used in this section, "chief accounting officer" means as to a county the auditor thereof, as to a city the auditor thereof, as to an irrigation district the secretary of the board of directors thereof, and as to any other taxing agency the officer designated as its chief accounting officer by the governing body thereof.

CHAPTER 1566

An act to amend Section 24263 of the Health and Safety Code, relating to air pollution control.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 24263 of the Health and Safety Code is amended to read:

24263. The air pollution control board may require by regulation that before any person either builds, erects, alters, replaces, operates, sells, rents, or uses any article, machine, equipment, or other contrivance specified by such regulation the use of which may cause the issuance of air contaminants, such person shall obtain a permit to do so from the air pollution control officer.

Insofar as the regulations do not grant an automatic permit for the operation or use of any article, machine, equipment, or contrivance in existence upon the effective date of such regulations, a permit shall not be required without first affording the owner, operator, or user thereof a reasonable time within which to apply for such permit, and to furnish the air pollution control officer the information required pursuant to Section 24269.

CHAPTER 1567

An act to add Section 2786.5 to the Business and Professions Code, relating to schools of nursing.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2786.5 is added to the Business and Professions Code, to read:

Accreditation of schools

2786.5. In addition to the provisions of Section 2786, the board may accredit a school of nursing which has been approved by the board and which gives a course of instruction prescribed by the board, covering not less than two years. Any course of instruction prescribed by the board pursuant to this section shall provide a quality of education not less than the current standards established and adopted for a basic two years' course of professional nursing education by both the National League for Nursing and the American Association of Junior Colleges.

Termination date

This section shall remain in effect until the ninetieth day after the close of the 1963 Regular Session of the Legislature.

Legislative intent

SEC. 2. The Legislature finds that there is a serious shortage of professional nurses prepared to do bedside nursing; that to meet the expanding demand for these professional nurses, it is necessary to closely examine the education of the nurse from the points of view of programs, curricula, teaching methods, and the length of time necessary to prepare nurses for service.

Because of these factors, it is the intent of the Legislature to establish pilot programs by authorizing the Board of Nurse Examiners, for a provisional period, to accredit and maintain a continuing evaluation of not less than two-year courses in professional nursing education.

CHAPTER 1568

An act to amend Section 5661 of the Business and Professions Code, relating to landscape architecture licensees.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 5661 of the Business and Professions Code is amended to read:

5661. All accusations against a licensee shall be filed within two years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of Section 5667, 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 5667.

If any such accusation is not filed within the time provided in this section, no action against a licensee shall be commenced under the provisions of this article.

CHAPTER 1569

An act to add Section 28145.2 to the Government Code, relating to officers of a county of the forty-fifth class.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28145.2 is added to the Government Code, to read:

28145.2. In a county of the forty-fifth class the district attorney shall receive as compensation for the services required of him by law or by virtue of his office the sum of seven thousand eight hundred dollars ($7,800) a year.

CHAPTER 1570

An act to amend Section 28145 of the Government Code, relating to county salaries.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28145 of the Government Code is amended to read:

28145. In a county of the forty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) Each supervisor, four thousand two hundred dollars ($4,200) a year and mileage from his residence to the county seat at each sitting of the board, twenty cents ($0.20) a mile, such compensation to be in full for services as supervisor.

(b) Grand and trial jurors, five dollars ($5) per day and such mileage fees as are allowed by law.

CHAPTER 1571

An act to add Article 13 to Chapter 1 of Division 5 of, to add Section 16672.1 to, and to amend Section 16711 of, the Education Code, relating to work experience education.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 13 is added to Chapter 1 of Division 5 of the Education Code, to read:

Article 13. Work Experience Education

Powers of board

10231. The governing board of any district maintaining a high school or junior college may:

(a) Provide for the instruction of pupils in the skills, attitudes, and understandings necessary to success in employment by means of courses of work experience education as provided in this article.

(b) Provide for guidance and supervision procedures designed to insure maximum educational benefit to students from placement in suitable work experience education courses.

(c) Provide for arranging, approving, coordinating, and awarding credit for work experience education courses, and for those purposes employ instructors, coordinators, and other necessary personnel.

Standards of work experience

10232. The State Board of Education shall establish standards for work experience education, including but not limited to, the following:

(a) Selection and approval of work stations.

(b) Supervision of pupils.

(c) Credit allowable for work experiences.

(d) Guidance procedures related to work experience education.

Rules and regulations

10233. The Department of Education shall adopt such rules and regulations as are necessary to implement the standards set by the State Board of Education, so as to maintain the educational purpose and character of work experience education.

Applicability

10234. All laws or rules applicable to minors in employment relationships are applicable to students enrolled in work experience education courses.

Employment in part time jobs

10235. Work experience education as authorized by this article includes the employment of pupils in part-time jobs selected or approved as having educational value for the students employed therein and coordinated by school employees.

Apprenticeable occupations

10236. Work experience education involving apprenticeable occupations shall be consistent with the purposes of Chapter 4, Division 3, of the Labor Code and with standards established by the California Apprenticeship Council.

Programs in contiguous areas

10237. The governing board of any school district which maintains one or more high schools or junior colleges may provide for the establishment and supervision of work experience education programs in contiguous areas outside the district.

SEC. 2. Section 16672.1 is added to said code, to read:

Permit to work

16672.1. A permit to work may be issued to a minor who is 16 or 17 years of age who is regularly enrolled in a high school or junior college and who will work part time as a properly enrolled pupil in a work experience education course that meets all the requirements of such course as provided in Article 13, Chapter 1, Division 5, of this code.

SEC. 3. Section 16711 of said code is amended to read:

16711. The person authorized to issue permits to work may issue to any employer a permit to employ any minor who has been granted a permit to work, or, who has been assigned to a vocational course in a place of employment, or to a work experience education course as provided in Sections 10231 to 10237, inclusive, of this code. Permit to employ

CHAPTER 1572

An act to amend Section 35319 of the Government Code, relating to the annexation of territory to cities.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 35319 of the Government Code is amended to read:

35319. Property within the annexed territory shall not be taxed to pay any indebtedness or liability of the city contracted prior to or existing at the time of annexation unless the written consent of the owners of more than two-thirds of the value of the territory is filed with the clerk of the legislative body prior to the adoption of the ordinance approving annexation.

CHAPTER 1573

An act to add Part 4, comprising Sections 1650 to 1653 inclusive, to Division 2 of, the Welfare and Institutions Code, relating to protective services for children.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Part 4 is added to Division 2 of the Welfare and Institutions Code, to read:

PART 4. PROTECTIVE SERVICES FOR CHILDREN

1650. The board of supervisors of any county may establish such programs as are deemed necessary to provide protective services for children so as to insure that the rights or physical, mental, or moral welfare of children are not violated or threatened by their present circumstances or environment. Establishment of programs

1651. As used in this part, "protective services" means social casework consultation and guidance on behalf of chil- "Protective services"

dren who are in danger of the threatened existence of any of the conditions set forth in Section 700 of this code.

Eligibility

1652 The services authorized by this part may be provided and continued irrespective of the financial condition of the child or family concerned and irrespective of whether the child or the family of the child is otherwise a recipient of public aid or assistance.

Delegation of administrative responsibility

1653. The administrative responsibility for conducting such programs as are established pursuant to this part may be delegated to such county department or departments as the board of supervisors may designate.

CHAPTER 1574

An act to amend Section 28129 of the Government Code, relating to compensation for public service in counties of the twenty-ninth class.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 28129 of the Government Code is amended to read:

28129. In a county of the twenty-ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor six thousand three hundred dollars ($6,300) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year. The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed eight cents ($0.08) per mile.

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 1575

An act to amend Section 68541 of, and to add Section 68540.5 to, the Government Code, relating to municipal courts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 68540.5 is added to the Government Code, to read:

Compensation of judges pro tem

68540.5. Whenever a judge of a municipal court is assigned by the Chairman of the Judicial Council to sit in a municipal court in another county, any extra compensation to which such judge is entitled under the Constitution for the time so served shall be paid by the county to which such judge is assigned. Also, the county to which such judge is assigned shall reimburse the county in which such judge was elected or appointed by the Governor as a municipal court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was assigned to the other court. This reimbursement shall be made from the same funds as the extra compensation is paid, and at such times and in such manner as the State Controller may by rule provide.

In computing the time served under this section, there shall be counted the actual time so served, plus Saturday, Sunday and holiday time duly allocable thereto.

SEC. 2. Section 68541 of said code is amended to read:

68541. The extra compensation of a judge of a justice court under assignment made by the Chairman of the Judicial Council shall be paid by the county which by law is charged with the payment of the compensation of the judge of the court to which the assignment is made.

CHAPTER 1576

An act to amend Section 1523 of the Welfare and Institutions Code, relating to the location and prosecution of parents of abandoned children.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1523 of the Welfare and Institutions Code is amended to read:

1523. Any child, who is otherwise qualified to receive a grant or payments for aid under this chapter by reason of the continued absence of one of such child's parents from the home and who is residing with, or is in the custody or control of the other parent, shall be disqualified from receiving such grant or payments for so long as the parent, who has such custody and control or with whom such child resides, refuses law enforcement officers charged with the duty or right of enforcing the obligation of such absent parent for the care, support and maintenance of such child under and by virtue of the penal laws of the State of California, reasonable assistance in the enforcement of such obligation.

Any one or more of the following acts by the parent having custody of the child shall be deemed to be a refusal to offer reasonable assistance to law enforcement officers:

(a) A refusal to be interviewed by the district attorney.

(b) A refusal to sign a complaint against the absent parent.

(c) A request to dismiss the complaint.

(d) The concealment of the identity or whereabouts of the absent parent.

CHAPTER 1577

An act to amend Section 1552.6 of the Welfare and Institutions Code, relating to the location and prosecution of parents of abandoned children.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1552.6 of the Welfare and Institutions Code is amended to read:

1552.6. All state, county, and local agencies shall cooperate in the location of parents who have abandoned or deserted children irrespective of whether such children are or are not receiving public assistance under Division 2 of Part 2 of the code, and shall on request supply the county welfare department, any county probation officer, the district attorney of any county in this State, or the city prosecutor of any city

to whom the duty of prosecuting such absent parents has been delegated, with all information on hand relative to the location, income, and property of such absent parents, notwithstanding any other provision of law making such information confidential, and with all information on hand relative to the location and prosecution of any person who has, by means of false statement or representation or by impersonation or other fraudulent device, obtained aid for a child under this chapter. The county welfare department shall use such information only for the purposes of administration of aid to needy children, and the district attorney, county probation officer, or city prosecutor shall use it only for the purpose of enforcing the support liability of such absent parents or for the prosecution of other persons mentioned in this section, and neither shall use the information, or disclose it, for any other purpose.

Nothing in this section shall be construed to compel the disclosure of information relating to a deserting parent who is a recipient of aid under a public assistance program for which federal aid is paid to this State, if such information is required to be kept confidential by the federal law or regulations relating to such program.

CHAPTER 1578

An act to add Sections 24251.1 and 24360.8 to the Health and Safety Code, relating to air pollution.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 24251.1 is added to the Health and Safety Code, to read:

24251.1. The provisions of Section 24243 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

SEC. 2. Section 24360.8 is added to said code, to read:

24360.8. The provisions of Section 24360 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

CHAPTER 1579

An act to amend Sections 26821, 26822, 26823, 26824, and 26825 of the Government Code, relating to fees of the county clerk.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 26821 of the Government Code is amended to read:

Filing fee Civil actions

26821. The fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is ten dollars ($10); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be six dollars ($6). In every special proceeding in which more than seven applicants or petitioners join, one dollar ($1) shall be collected for each additional applicant or petitioner above seven.

SEC. 2. Section 26822 of said code is amended to read:

26822. The fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is ten dollars ($10).

SEC. 3. Section 26823 of said code is amended to read:

Change of venue

26823. When the venue in a case in a superior court is changed, the fee for making up and transmission of transcript and papers is four dollars ($4) and a further sum equal to the fee for filing in the court to which the case is transferred. The clerk shall transmit the filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.

SEC. 4. Section 26824 of said code is amended to read:

Appeals Justice courts

26824. The fee for filing the papers transmitted on appeal from a justice court in a civil action or a special proceeding is ten dollars ($10).

SEC. 5. Section 26825 of said code is amended to read:

Municipal courts

26825. The fee for filing the papers transmitted on appeal from a municipal court in a civil action or a special proceeding is eight dollars ($8).

CHAPTER 1580

An act to add Section 1208 to the Penal Code, relating to performance of work by county jail prisoners outside county jails.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1208 is added to the Penal Code, to read:

Applicability

1208. (a) The provisions of this section shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible. In such ordinance the board shall prescribe whether the sheriff or the probation officer shall perform the functions of the work furlough administrator.

Employment

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation

for any criminal offense, the court may direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county.

(c) If the court so directs that the prisoner be permitted to continue in his regular employment, the work furlough administrator shall arrange for a continuation of such employment so far as possible without interruption. If the prisoner does not have regular employment, and the court has authorized the prisoner to secure employment for himself, the prisoner may do so. Any employment so secured must be suitable for the prisoner. Such employment must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

Confinement

(d) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

Earnings

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, to the extent directed by the court, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the pre-existing debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

Eligibility for time credits

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2

Violation of conditions

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, or employment, the work fur-

lough administrator shall report such fact to the court which directed or authorized employment pursuant to this section, and the court may then order such prisoner returned to it and, if it finds that the violation has occurred, may order the balance of the prisoner's sentence to be spent in actual confinement.

Short title

(h) This section shall be known and may be cited as the "Work Furlough Rehabilitation Law."

CHAPTER 1581

An act to add Section 15104.5 to the Revenue and Taxation Code, relating to the gift tax consequences of the creation of a joint tenancy in husband and wife.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 15104.5 is added to the Revenue and Taxation Code, to read:

15104.5. (a) The creation of a joint tenancy between husband and wife in real property, either by one spouse alone or by both spouses and additions to the value thereof in the form of improvements, reductions in the indebtedness thereon, or otherwise, shall not be deemed transfers by gift of property for purposes of this part, regardless of the proportion of the consideration furnished by each spouse, unless the donor elects to have such creation of such a joint tenancy treated as a transfer by gift, as provided in subdivision (c).

(b) In the case of the termination of such a joint tenancy, other than by reason of the death of a spouse, the creation of which, or additions to which, were not deemed to be transfers by gift by reason of subdivision (a), a spouse shall be deemed to have made a transfer by gift to the extent that the proportion of the total consideration furnished by such spouse multiplied by the proceeds of such termination (whether in form of cash, property, or interest in property) exceeds the value of such proceeds of termination received by such spouse.

(c) The election provided by subdivision (a) shall be exercised by including such creation of such a joint tenancy or additions made to the value thereof as a transfer by gift, to the extent such transfer constitutes a gift, determined without regard to this section, in the gift tax return of the donor for the calendar year in which such a joint tenancy was created or additions made to the value thereof, filed within the time prescribed by law, irrespective of whether or not the gift exceeds the exemption provided by Section 15401.

CHAPTER 1582

An act to add Section 19620.2 to the Business and Professions Code, relating to the use of the State College Fund, and making an appropriation.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 19620.2 is added to the Business and Professions Code, to read:

19620.2. From the State College Fund established under Section 19620.1 of this code, there is hereby appropriated to the California State Polytechnic College five hundred thousand dollars ($500,000) to be expended for the purchase of not to exceed three hundred sixty (360) acres of farm land for the California State Polytechnic College.

CHAPTER 1583

An act to amend Sections 14274, 14332, 14335, 14340, 14558, and 14565 of, to repeal Sections 14331, 14333, 14336, 14562, and 14563 of, and to add Sections 14331, 14331.5, and 14562 to, the Education Code, relating to the State Teachers' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect immediately

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

SECTION 1. Section 14274 of the Education Code is amended to read:

14274. "Permanent Fund," "Annuity Fund," and "Annuity Deposit Fund" means "Teachers' Permanent Fund," "Retirement Annuity Fund," and "Teachers' Annuity Deposit Fund," respectively. Definitions

SEC. 2. Section 14331 of said code is repealed. Repeal

SEC. 3. Section 14331 is added to said code, to read:

14331. On and after July 1, 1957, there shall be established and maintained in the State Treasury a Teachers' Retirement Fund and on said date there shall be transferred to said fund all the assets then being held in the State Treasury which are to the credit of, or as are held as belonging to, the Teachers' Permanent Fund, the Retirement Annuity Fund, the Teachers' Retirement Disbursement Fund and the Teachers' Annuity Deposit Fund. Wherever in this chapter authority is granted to disburse funds from, or to make payments to, the Teachers' Permanent Fund, the Retirement Annuity Fund, the Teachers' Retirement Disbursement Fund or the Teachers' Retirement Fund

Teachers' Annuity Fund, such authority shall also extend to the Teachers' Retirement Fund.

SEC. 4. Section 14331.5 is added to the Education Code, to read:

Funds maintained therein

14331.5. The Retirement Board shall maintain three funds in the records of the Retirement System, as follows:

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

(b) Retirement Annuity Fund derived from contributions of members, school districts or other employing agencies, and the State as provided in Sections 14478, 14559.1 and 14563, together with interest thereon.

(c) Teachers' Annuity Deposit Fund derived from members' annuity deposits, together with interest earned thereon.

The funds shall also include donations, legacies, gifts, and bequests made thereto and accepted by the Retirement Board and any appropriations made thereto by the Legislature in addition to amounts provided in this chapter.

SEC. 5. Section 14332 of said code is amended to read:

Disbursements

14332. Disbursements of money under the Retirement System, of whatever nature, shall be made upon claims duly audited in the manner prescribed for disbursement of other public funds.

Repeal

SEC. 6. Section 14333 of said code is repealed.

SEC. 7. Section 14335 of said code is amended to read:

Deposit of funds, etc

14335. Money except interest and other income from investments, in whatever form, received by the State Treasurer for the fund, shall be reported forthwith by him to the Retirement Board, and the money together with money received directly by the board shall be deposited forthwith by the board in the State Treasury to the credit of the fund. Interest, and other income derived from securities shall be collected by the State Treasurer, deposited to the credit of the fund, and reported forthwith to the board.

Repeal

SEC. 8. Section 14336 of said code is repealed.

SEC. 9. Section 14340 of said code is amended to read:

Investments

14340. The Retirement Investment Board shall have exclusive control of the investment of the Teachers' Retirement Fund, including the purchase of securities and the sale thereof. Investments shall be confined to securities approved in this State for the investment of funds of savings banks.

SEC. 10. Section 14558 of said code is amended to read:

Deductions

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

SEC. 11. Section 14562 of said code is repealed. Repeal

SEC. 12. Section 14562 is added to said code, to read:

14562. The State shall contribute annually to the Teachers' Retirement Fund an amount, determined actuarially, which shall equal the sum of: State contributions

(a) An amount equal to so much of the benefits to be paid from the Permanent Fund during that year as is not provided by the Permanent Fund contributions based on service after July 1, 1944, of the members receiving such benefits, plus interest at a rate or rates declared annually by the Retirement Board, and by the contributions of employing agencies during that year.

(b) An amount equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year, as is not provided by the accumulated annuity contributions of the members receiving such benefits, and by the contributions of employing agencies during that year.

SEC. 13. Section 14565 of said code is amended to read:

14565. (a) At the beginning of each fiscal year the retirement system shall pay to each local district maintaining a local retirement system the following amounts: Payment to local districts

(1) From the Teachers' Retirement Fund, an amount equal to the difference with respect to all service rendered by persons whose retirement is effective prior to July 1, 1947, and with respect to service rendered prior to July 1, 1944, by persons whose retirement is effective after June 30, 1947, and one-half the difference with respect to service rendered after June 30, 1944, by persons whose retirement is effective after June 30, 1947, between the benefits paid from the Teachers' Retirement Fund during the preceding year to persons who are entitled to receive benefits from the local retirement system and the benefits which would have been paid during the preceding year to those persons if they were not entitled to receive benefits from the local retirement system.

(2) From the Teachers' Retirement Fund, an amount equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on account of persons who qualified for death benefits under the local retirement system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local retirement system.

(b) The amounts paid under subdivision (a) of this section by the retirement system to each local district maintaining a local retirement system shall be reflected in the records of the system as having been made from the Retirement Annuity Fund and they shall not be used to reduce the contributions required of members of the local retirement system or to increase the benefits payable by the local retirement system, but shall be applied to reduce the cost of support of the local retirement system to the taxpayers of the local district maintaining the local retirement system.

(c) The State shall contribute annually to the Teachers' Retirement Fund the amounts required to be paid from said fund under subdivision (a) of this section.

Repeal

SEC. 14. Section 14563 of said code is repealed.

Operative date

SEC. 15. This act shall become operative on July 1, 1957.

Urgency

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

In order to provide for the establishment of single records of accounts in the Offices of the State Treasury, State Controller, and the Teachers' Retirement Board for the Fiscal Year 1957-1958, with respect to funds of the State Teachers' Retirement System, and in order to avoid a duplication of records for that year and the subsequent adjustment thereof, it is necessary that this act take effect immediately.

CHAPTER 1584

An act to add Section 14301.1 to, and to amend Sections 14302, 14303, and 14306 of, the Education Code, relating to the State Teachers' Retirement System.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 14301.1 is added to the Education Code, to read:

Officers

14301.1 The board shall appoint an executive officer, an actuary and other employees necessary to the administration of this system. The executive officer and actuary may administer oaths.

SEC. 2. Section 14302 of said code is amended to read:

Powers

14302. The Retirement Board has the sole power and authority to hear and determine all facts pertaining to application for benefits under the Retirement System, or any matters pertaining to administration thereof, except as to investment of funds. The Retirement Board shall meet at least once every calendar quarter.

The secretary of the board shall perform and discharge under the direction of the board the powers, duties, purposes, functions and jurisdiction vested in the board and delegated to him by it. The secretary may delegate to the executive officer of the system any act or duty within the power of the secretary to perform unless by affirmative vote recorded in its minutes the board has specifically required the secretary to act personally.

SEC. 3. Section 14303 of said code is amended to read:

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

SEC. 4. Section 14306 of said code is amended to read:

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

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

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

CHAPTER 1585

An act to repeal Section 14559.2 of, and to add Sections 14559.2 and 14559.3 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14559.2 of the Education Code is repealed. Repeal

SEC. 2. Section 14559.2 is added to said code, to read:

14559.2. Within 30 days after the close of each calendar month, each school district, or other agency, which employs members of the retirement system shall pay to the said system the contributions required of it by the provisions of Section 14559.1, said contributions to be an amount determined by deducting the amount of said contributions paid by said district, or agency, for previous months in the same fiscal year from the lesser of: Payment of contributions

(a) An amount determined under Section 14559.1 on the basis of compensation paid during the fiscal year up to and including the current month, or

(b) A fraction of the amount determined under Section 14559.1 on the basis of the assessed valuation of the district, said fraction being equal to the number of months that have elapsed in the fiscal year, up to and including the current month, divided by 12.

Each remittance shall be in a form acceptable to the retirement board, and shall be accompanied by a statement verified by a duly authorized official, and containing such information Form of remittance, etc

as the board may prescribe. The amounts received shall be deposited forthwith in the State Treasury to the credit of the Retirement Annuity Fund.

SEC. 3. Section 14559.3 is added to said code, to read:

Requisitions

14559.3. Within 30 days after the close of each calendar month, the county superintendent of schools shall draw requisitions against the funds of the respective school districts within the county and in favor of the county teachers' annuity deposit fund for amounts equal to the contributions required of said school districts by Section 14559.2 and shall deposit said amounts in the county treasury to the credit of said fund. The county superintendent of schools thereupon shall draw his requisition against the county auditor in favor of the Retirement Annuity Fund for the amount of said district contributions and the requisition, when allowed and signed by the county auditor, shall constitute a warrant against the county treasurer. The county superintendent of schools thereupon shall forward the warrant to the Retirement Board in Sacramento along with such reports relating thereto as the board may require.

CHAPTER 1586

An act to add Section 14684 to the Education Code, relating to the State Teachers' 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 8, 1957.]

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

SECTION 1. Section 14684 is added to the Education Code, to read:

Right to change election

14684. If a person who deposits contributions to the Retirement Annuity Fund pursuant to Section 14683, elected either under such local retirement system or under the State Teachers' Retirement System, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, such person shall have the right, to be exercised not later than sixty (60) days after such deposit or after the effective date of this section, whichever is later, 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 date of such change, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

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 Teachers' Retirement Law to retired members who also are retired under a local retirement system, with respect to their status upon discontinuance of their local membership under charter amendments to be effective February 1, 1957, has raised a number of questions involving the retirement rights of such members. In order to protect the rights of such members within the prescribed time limit after such discontinuance, it is necessary that this act take effect immediately.

CHAPTER 1587

An act authorizing the State Public Works Board to construct a state office building, and making an appropriation.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 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 a state office building in the City of Sacramento, under the provisions of the State Building Construction Act of 1955, to be financed by the issuance of either certificates or revenue bonds pursuant to said act, not to exceed in cost six million one hundred twenty-six thousand six hundred dollars ($6,126,600).

The State Employees' Retirement System shall have a preferred right to lease as lessee the office space in said building.

CHAPTER 1588

An act to add Section 13106 to the Government Code, relating to quitclaiming of state-owned easements and rights of way.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 13106 is added to the Government Code, to read:

13106. With the approval of the state agency concerned, the director may quitclaim in the name of the State, the right, title and interest of the State in and to easements and rights of way owned by the State, other than those acquired for highway purposes, which he determines are no longer needed for state purposes.

Prior to the disposition of any easement or right of way owned by the State pursuant to this section, notice thereof

shall be published pursuant to Section 6061 of the Government Code in a newspaper published in the county in which the easement or right of way 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 easement or right of way is situated, including one posting on the real property in which the easement or right of way is located.

If the easement or right of way was acquired by the State for a price approximating its market value at the time of acquisition, the director, when he disposes of such easement or right of way shall make a reasonable effort to obtain as the price for the sale thereof an amount approximately equivalent to the current market value at the time of such disposition.

CHAPTER 1589

An act to repeal Section 8553 of the Water Code, relating to the Reclamation Board.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 8553 of the Water Code is hereby repealed.

CHAPTER 1590

An act to amend Section 68846 of the Government Code, relating to the fees collected by the Clerk of the Supreme Court.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 68846 of the Government Code is amended to read:

68846. The fees collected by the Clerk of the Supreme Court shall be paid into the State Treasury to the credit of the General Fund. The clerk is responsible and in his settlement with the Controller shall account for, and be charged with, the full amount of all fees collected or chargeable and accruing in causes brought into the court for services rendered therein up to the time of each settlement. At the end of every month he shall pay the full amount into the State Treasury. At the end of every month he shall also render to the Controller, in such form as that officer prescribes, an account in detail, under his own oath, of all fees chargeable and accruing in causes brought into court and not included in his previous accounts rendered.

CHAPTER 1591

An act to amend Sections 15480 and 15481 of the Government Code, relating to state agencies.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 15480 of the Government Code is amended to read:

15480. There is in the State Government a Department of Investment. The department is under the control of a Board of Investment consisting of the Superintendent of Banks, the Commissioner of Corporations, the Insurance Commissioner, the Real Estate Commissioner and the Savings and Loan Commissioner. The department and the board shall exercise only such functions as are specifically set forth in this chapter.

Department of Investment

SEC. 2. 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 State Banking Department, the Division of Corporations, the Department of Insurance, the Division of Real Estate, and the Division of Savings and Loan.

Members of Board of Investment

CHAPTER 1592

An act to repeal Article 12 of Chapter 1 of Division 5 of the Education Code, and to add Article 12 of Chapter 1 of Division 5 of the Education Code, relating to aviation education.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 12 of Chapter 1 of Division 5 of the Education Code is repealed.

Repeal

SEC. 2. Article 12 is added to Chapter 1 of Division 5 of said code, to read:

Article 12. Aviation Education

10221. The Department of Education shall aid and assist local school districts in the development and conduct of a program of aviation education. The California Aeronautics Commission may aid and assist in the selection of airports and pilots used by the local school districts in flight indoctrination and instruction.

Establishment of programs

10221.1. The governing board of each district is encouraged to develop aims and purposes of aviation education designed to include: (a) integration of appropriate aviation concepts

Aims and purposes

throughout the elementary school with units of instruction in science, social studies, and arithmetic; (b) aviation experiences in junior high schools in the areas of social studies, science, and arithmetic; (c) elective courses in senior high schools and four-year high schools including air transportation, vocational training, economic, social and political implications of aviation, the science of flight, history of aviation, and flight experience where appropriate airports, planes, and pilots are available, and the need for such instruction is indicated. Periodic reports shall be made to the California Aeronautics Commission concerning the flight indoctrination and instruction program.

Courses

10221.2. The governing boards of districts maintaining junior colleges are urged to design courses including air transportation, vocational education, career opportunities in civil and military aviation, technical training, flight experience, and ground instruction in localities where the needs of the youth in these communities warrant such a course in these schools.

Insurance program

10221.4. The California Aeronautics Commission is authorized to make available to public schools offering actual flight experience as part of the regular curriculum a basic insurance program and to assure that adequate supervision and precautionary measures are taken by the flight school operators contracted to provide services for public school students. The governing board of any school district offering actual flight experience as part of the regular curriculum may participate in the basic insurance program provided by the commission and pay from the funds of the district a pro-rata share of the cost of the insurance program.

CHAPTER 1593

An act to amend Section 842 of the Probate Code, relating to leases by executors or administrators.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 842 of the Probate Code is amended to read:

842. At the time appointed, the court shall hear the petition and any objection thereto that may have been presented, and shall entertain and consider any other offer made, in good faith, at the hearing, to lease the same property on more favorable terms; and, if the court is satisfied that it will be to the advantage of the estate, it shall make an order authorizing the executor or administrator to make such lease to the person and on the terms stated in the order; provided, however, that the court shall not make an order authorizing the executor or administrator to make such a lease to any person other than the lessee named in the petition, unless the offer made at

the hearing is acceptable to the executor or administrator. The order shall set forth the minimum rental or royalty and the period of the lease which must not be longer than 10 years, except as otherwise herein provided with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances. The order may authorize other terms and conditions, including, with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances, a provision for the payment of rental and royalty to a depositary, and for the appointment of a common agent to represent the interest of all the lessors, and, if the lease is for the purpose of production of oil, gas or other hydrocarbon substances, including a provision for the payment of a compensatory royalty in lieu of rental and in lieu of drilling and producing operations on the land covered by the lease, and including a provision empowering the lessee to enter into any agreement authorized by Section 3301 of the Public Resources Code with respect to land covered by the lease. If the lease covers additional property owned by other persons or an undivided interest of the decedent, or other interest of the decedent less than the entire ownership in the property, it may provide for division of rental and royalty in the proportion that the land or interest of each owner bears to the total area of the land or total interests covered by such lease A lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances may be for a fixed period, and so long thereafter as minerals, oil, gas or other hydrocarbon substances are produced in paying quantities from the property leased or mining or drilling operations are conducted thereon and, if the lease provides for the payment of a compensatory royalty, so long as such compensatory royalty is paid, and, if the land covered by the lease is included in an agreement authorized by Section 3301 of the Public Resources Code, so long as oil, gas or other hydrocarbon substances are produced in paying quantities from any of the lands included in any such agreement or drilling operations are conducted thereon. A certified copy of the order shall be recorded in the office of the recorder of every county in which the leased land or any portion thereof lies.

CHAPTER 1594

An act to amend Section 950 of the Probate Code, relating to preference of claims against the estate of a decedent.

[Approved by Governor July 4, 1957 Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 950 of the Probate Code is amended to read:

950. The debts of the decedent, the expenses of administration and the charges against the estate shall be paid in the following order:

(1) Expenses of administration;

(2) Funeral expenses;

(3) Expenses of last illness;

(4) Family allowance;

(5) Debts having preference by the laws of the United States;

(6) Wages, to the extent of six hundred dollars ($600), of each employee of the decedent, for work done or personal services rendered within 90 days prior to the death of the employer. If there is not sufficient money with which to pay all such labor claims in full the money available shall be distributed among the claimants in accordance with the amount of their respective claims;

(7) Mortgages, judgments that are liens, and other liens, in the order of their priority, so far as they may be paid out of the proceeds of the encumbered property. If such proceeds are insufficient for that purpose, the part of the debt remaining unsatisfied shall be classed with the general demands against the estate;

(8) Judgments that are not liens rendered against the decedent in his lifetime and all other demands against the estate, without preference or priority one over another.

CHAPTER 1595

An act to amend Sections 4019 and 4019.2 of the Penal Code, relating to deductions for good behavior from the term of imprisonment for a crime.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 4019 of the Penal Code is amended to read:

Good time credits

4019. For each month in which a prisoner confined in a county jail, industrial farm or road camp or any city jail, industrial farm or road camp under a judgment of imprisonment, or a fine and imprisonment until the fine is paid, or in which a prisoner confined in the county jail, industrial farm or road camp, or any city jail, industrial farm or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence, in a criminal action or proceeding, appears, by the record, to have given a cheerful and willing obedience to the reasonable rules and regulations established by the county board of parole commissioners for the conduct of such prisoners, and that his conduct is reported by the officer in charge of the jail, industrial farm or road camp to be positively good, five days shall,

with the consent of the county board of parole commissioners, be deducted from his period of confinement.

SEC. 2. Section 4019.2 of said code is amended to read:

4019.2. For each month in which a prisoner confined in or committed to a county jail, industrial farm or road camp, including a prisoner confined therein pursuant to a judgment of fine and imprisonment until the fine is paid, has satisfactorily performed his assigned work, as reported and recorded by the officer in charge, five days shall, with the consent of the board of supervisors or the county board of parole commissioners, be deducted from his period of confinement. The deduction allowed pursuant to this section shall be granted regardless of whether or not a deduction is made pursuant to Sections 4018 or 4019, but no prisoner shall be granted a total deduction under these sections in excess of 10 days for any single month.

CHAPTER 1596

An act to add Sections 545.1, 545.2 and 545.3 to, and to amend Section 717.1 of, the Code of Civil Procedure, relating to proceedings in civil actions.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 545.1 is added to the Code of Civil Procedure, to read:

545.1. No person shall be required, pursuant to Section 545 of this code, to attend before a judge or referee outside of the county in which he resides or in which he has a place of business, unless the distance to the place of trial is less than 100 miles from his place of residence or place of business. Attendance before judge outside county

SEC. 2. Section 545.2 is added to said code, to read:

545.2. When a defendant or a garnishee does not reside or have a place of business in the county where the action is pending, an order for his examination, authorized by Section 545 of this code, may be made by any judge of a court of similar jurisdiction of the county where the defendant or garnishee resides or has a place of business, or if no court of similar jurisdiction is in the county, by a court of higher jurisdiction therein, upon filing with the clerk or the judge of the court a certified copy of the complaint in the pending action and upon presenting to the judge of the court an affidavit showing the existence of the facts required to be shown herein. At the time of filing the certified copy of the complaint, there shall be paid to the clerk or judge, as and for a filing fee, the sum of four dollars ($4) when filed in a justice court; the sum of five dollars ($5) when filed in a superior court. Order for examination Fee

SEC. 3. Section 545.3 is added to said code, to read:

545.3. In any proceeding for the examination of a defendant or a garnishee under this chapter, witnesses may be re- Witnesses

quired to appear and testify before the judge or referee in the same manner as upon the trial of an issue.

SEC. 4. Section 717.1 of said code is amended to read:

Judgment debtors, etc.

717.1. Neither a judgment debtor nor a debtor of a judgment debtor shall be required to attend before a judge or referee outside of the county in which he resides or in which he has a place of business unless the distance is less than 100 miles from his place of residence or his place of business to the place of trial.

CHAPTER 1597

An act to add Section 1752.95 to the Welfare and Institutions Code, relating to powers of the Youth Authority.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1752.95 is added to the Welfare and Institutions Code, to read:

1752.95. The director may, from time to time, and as often as occasion may require, but not to exceed two meetings in any one calendar year call into conference the probation officers of the several counties, or such of them as he may deem advisable, for the purpose of discussing the duties of their offices.

The actual and necessary expenses of the probation officer incurred while traveling to and from and while attending the conferences shall be a county charge; provided, prior approval of the board of supervisors has been obtained.

CHAPTER 1598

An act to amend Section 1755.5 of the Welfare and Institutions Code, relating to the Youth Authority, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1755.5 of the Welfare and Institutions Code is amended to read:

Confinement for study, etc

1755.5. Notwithstanding any provisions of Section 553 or Section 742, the Youth Authority may transfer to and cause to be confined in the Medical Facility, the California State Prison at Soledad, the California Institution for Women at Corona, or the California Institution for Men under the jurisdiction of the Department of Corrections for general study, diagnosis, and treatment, or any of them, any person over the

age of 18 years who is subject to the custody, control, and discipline of the Youth Authority; and the Director of Corrections may receive and keep in any of the said institutions any person so transferred thereto by the Youth Authority, with the same powers as if the person had been placed therein or transferred thereto pursuant to the provisions of the Penal Code.

The provisions of Part 3 of the Penal Code, so far as those provisions may be applicable, apply to persons so transferred to and confined in the institutions, except that, whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority the person is deemed not to be a person convicted of a crime, the transfer or placement of the person in the Medical Facility, the California State Prison at Soledad, the California Institution for Women at Corona, or the California Institution for Men shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of the Penal Code shall not apply to any person who has been placed in the Medical Facility, the California State Prison at Soledad, the California Institution for Women at Corona, or the California Institution for Men by the Youth Authority pursuant to this section, in respect to the time he remains therein under such placement.

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 present time several hundred young men, committed to the Department of the Youth Authority, must be confined in county jails due to the severely overcrowded condition at institutions and facilities under the jurisdiction of the Authority. This situation could be at least partially alleviated by the transfer of older inmates now in the Deuel Vocational Institution to other institutions under the jurisdiction of the Department of Corrections. In order to give the Department of the Youth Authority the right to make such transfers, and to provide the required space at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 1599

An act to amend Section 1347 of the Fish and Game Code, and amend Section 332 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to elk.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1347 of the Fish and Game Code is amended to read:

Areas, etc., for taking of elk

1347. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the total number that may be taken during any open season for the taking of elk under such rules and regulations as the commission may prescribe from time to time. Only citizens and bona fide residents 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 said elk. The fee for said license is as may be determined by the commission but not to exceed twenty-five dollars ($25). The fees provided herein shall be deposited in the Fish and Game Preservation Fund, and shall be expended in addition to moneys provided in the budget for salaries of the Department of Fish and Game for the expense of enforcing the provisions of this section.

Hearing

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 such area lies, 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 thirty (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.

Elk meat

The provisions of Section 1275.5 of this code shall apply to the possession of elk meat.

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 1347 of the Fish and Game Code adopted in 1933, is repealed.

CHAPTER 1600

An act to amend Section 1677.5 of the Insurance Code, relating to insurance.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1677.5 of the Insurance Code is amended to read:

1677.5. The commissioner may issue a certificate of convenience to the executor or administrator of the estate of a deceased agent or broker or to the guardian of the estate of an agent or broker who has been declared incompetent by the judgment of a court of competent jurisdiction, or if no executor or administrator has been appointed, and until a certified copy of an order making such appointment is filed with the commissioner, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person, to act as an agent or broker in the conduct of the business of the estate for a period of one year from and after the date of death or the date of the judgment of incompetency pending, but not later than, disposal of the business or restoration to competency, and thereafter until the next qualifying examination if such person shall file an application for a permanent license.

CHAPTER 1601

An act to add Section 1845.5 to the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1845.5 is added to the Code of Civil Procedure, to read:

1845.5. In order to qualify a witness in an eminent domain proceeding to testify with respect to the value of the real property or interest in real property to be taken, the witness may testify on direct examination as to his knowledge of the amount paid for comparable property or property interests.

CHAPTER 1602

An act to add Section 122.5 to the Agricultural Code, relating to standards of cleanliness for articles liable to carry pests.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 122.5 is added to the Agricultural Code, to read:

122.5. Whenever the director by rules and regulations designates any plants, appliances or other things as liable to be infected or infested with pests, and provides for notifying the commissioner of the arrival of such articles as required by Section 122, he may include in such rules and regulations standards of cleanliness for such articles and provide for certification by the commissioner of the county of origin of shipments of such articles which conform to such standards of cleanliness. Such rules and regulations may also provide for the qualification of certain counties or certain areas where in the opinion of the director such standards of cleanliness are maintained in respect to all shipments of such designated articles; and for certification by the commissioner of the county of origin of shipments originating in areas so qualified. The commissioner of the county of destination may waive the notification and holding for inspection of any shipment bearing such certificate of cleanliness or certificate of origin.

The provisions of this section are not applicable to seed intended for planting purposes or to other nursery stock.

CHAPTER 1603

An act to repeal Section 1153 of, and to add Section 1153 to, the Agricultural Code, relating to the collection and dissemination of crop statistics.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1153 of the Agricultural Code is hereby repealed.

SEC. 2. Section 1153 is added to said code, to read:

1153. The director shall provide for the collection, analysis and dissemination of statistics and other information relating to the production and marketing of farm products, including processed farm products, produced in this State, such as, but not limited to, crop and livestock estimating and market news services. The director may establish such facilities and publish

such bulletins and reports as are necessary and proper in keeping producers and handlers informed with regard to the supply, demand and other economic conditions affecting the sale of farm products produced in this State.

CHAPTER 1604

An act to amend Section 203.6 of the Welfare and Institutions Code, relating to county hospitals.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 203.6 of the Welfare and Institutions Code is amended to read:

203.6. The board of supervisors of counties of the twentieth class and fortieth to fifty-eighth class, inclusive, in connection with the administration of a county hospital may establish in the county treasury a special fund to be known as the "Hospital Trust Fund," into which may be placed deposits made voluntarily by patients entering such hospital.

At the time of any patient's dismissal from a county hospital, there shall be refunded to him, upon the order of the business manager or other person designated by the board of supervisors, such portion of the deposit made voluntarily by the patient at the time of his entrance into the hospital as was unneeded for his care while confined therein. The portion earned by the hospital shall be transferred to the hospital fund in the county treasury.

Upon presentation of an order for refund under this section, the county auditor shall draw his warrant on the Hospital Trust Fund, and the county treasurer shall pay the amount due thereon.

If no refund is made within 30 days after the patient's discharge, the patient may file a claim against the county pursuant to Article 1 of Chapter 4 of Division 3 of Title 3 of the Government Code.

CHAPTER 1605

An act to amend Section 28142 of the Government Code, relating to compensation for public services in counties of the forty-second class.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28142 of the Government Code is amended to read:

28142. In a county of the forty-second class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, five thousand two hundred eighty dollars ($5,280) a year.

(b) The district attorney, nine thousand dollars ($9,000) a year. He shall not engage in private law practice during his term of office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of supervisors, and (2) for each mile actually and necessarily traveled when traveling, either within or without the county, by order of the board of supervisors on county business.

(d) Grand jurors and all trial jurors in the superior court, for each day's attendance six dollars ($6), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 1606

An act to amend Section 11590 of the Business and Professions Code, relating to subdivision maps and the dedication of access rights.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 11590 of the Business and Professions Code is amended to read:

11590. In event of dedication, there is required a certificate, signed and acknowledged by those parties having any record title interest in the land subdivided, offering certain parcels of land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.

An offer of dedication for street or highway purposes may include a waiver of direct access rights to any such street or highway from any property shown on the final map as abutting thereon, and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions. Such waivers of access rights shall not be required by local authorities as a condition precedent to the approval of any final map.

The certificate may state that any certain parcel or parcels are not offered for dedications. However, a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedica-

tion for public use except those parcels intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants. In the event the streets or any of them shown on a subdivision map are not offered for dedication the certificate may contain a statement to this effect. If such statement appears on the map, and if the map is approved by the local governing body, the use of any such street or streets by the public shall be permissive only.

CHAPTER 1607

An act to amend Sections 182 and 183 of, to add Section 826.5 to, and to repeal Sections 180 and 181, of the Streets and Highways Code, relating to the State Highway Fund and funds received from the Federal Government for highway purposes.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 182 of the Streets and Highways Code is amended to read:

State Highway Fund

182. The "State Highway Fund" in the State Treasury is continued in existence. With the approval of the Department of Finance as to state appropriations, there shall be transferred to, or deposited in, the State Highway 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 department, including but not limited to services, investigations, surveys, experiments, reports, right of way acquisitions, major and minor construction, maintenance, improvements and equipment, 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 department.

Money so transferred or deposited is available for expenditure by the department for the purposes for which appropriated, contributed or made available, without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code. The department may withdraw from said fund for use in work for other public agencies, local, state or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in said fund in advance of the work being done.

SEC. 2. Section 183 of said code is amended to read:

Property acquisition funds

183. All money available for the acquisition of real property or interests therein for state highways, or for the construction, maintenance or improvement of state highways or

highways in state parks shall be deposited in the State Highway Fund. The moneys in said fund are appropriated and shall be allocated and expended for the purposes and in the manner provided in this code.

SEC. 3. Sections 180 and 181 of said code are repealed.

SEC. 4. Section 826.5 is added to said code, to read:

Advancements

826.5. The department, the State Controller, and the State Treasurer are hereby authorized to enter into such agreements, execute such documents, establish and manage such accounts or deposits, and take any other action that may be required to enable the State to receive and expend advancements of funds from the Federal Government in connection with the construction of highways for which federal funds are available. Expenditures from such advances shall be so accounted for as to comply with Section 825 of this code.

CHAPTER 1608

An act to amend Section 1170 of the Harbors and Navigation Code, relating to pilotage rates.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1170 of the Harbors and Navigation Code is amended to read:

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo and Suisun:

Six dollars ($6) per draft foot of the vessel's deepest draft and fractions of a foot pro rata. The vessel's deepest draft shall be the maximum draft attained, on a still water basis, at any part of the vessel during the course of such transit inward or outward.

CHAPTER 1609

An act to add Sections 1731.5 and 1737 to the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1731.5 is added to the Insurance Code, to read:

Minor offenses

1731.5. The following acts and omissions may be considered by the commissioner to be minor offenses if committed by a licensee described in Section 1737, and he may, in lieu

of notice and hearing specified in Section 1731, take disciplinary proceedings and action as set forth in Section 1737:

(a) A first violation of Sections 760 and 760.5 of this code.

(b) A first failure to keep or maintain the books and records required under Section 1663 of this code.

SEC. 2. Section 1737 is added to the Insurance Code, to read:

1737. If the commissioner has been informed and believes that a licensed insurance agent, broker or solicitor or life agent has committed any of the offenses referred to in Section 1731.5, and if the last notice of intention to keep such license in force or the last application to renew such license states with respect to an insurance agent, broker or solicitor that the total premium on all insurance transacted other than life during the prior license year does not exceed five thousand dollars ($5,000) or with respect to a life agent of any type that the total commissions received on life insurance transacted during the prior license year does not exceed one thousand dollars ($1,000), the commissioner may, without prior notice or hearing, mail to such licensee at his last address filed with the commissioner an order reprimanding such licensee or suspending the license of such licensee for a period not in excess of ten (10) days. Such order shall specify the statute violated and the time of the violation; and shall further state that such order shall become effective commencing at a date specified therein not less than fifteen (15) days from the date of mailing, unless such licensee, prior to the effective date, advises the commissioner in writing that formal notice and hearing are requested, in which case such order shall become void and of no effect, and the commissioner may initiate proceedings pursuant to Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

Reprimand or suspension

CHAPTER 1610

An act to amend Section 1765 of the Insurance Code, relating to surplus line brokers.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1765 of the Insurance Code is amended to read:

1765. Upon application in such form as the commissioner prescribes and subject to the provisions of Sections 1649 and 1649.5 of this code, the commissioner shall issue a license authorizing any applicant that is trustworthy and competent to transact an insurance brokerage business in such manner as to safeguard the interest of the insured, to act as a surplus line broker from the date of such license until the first day of July succeeding, on the delivery to the commissioner of a bond

to the State of California in the sum of five thousand dollars ($5,000) with an admitted surety insurer conditioned that said licensee will fully and faithfully comply with the requirements of this chapter.

The commissioner shall charge and collect in advance a fee of fifty dollars ($50) for filing each application for license to act as a surplus line broker.

CHAPTER 1611

An act to amend Sections 956 and 988h of the Code of Civil Procedure, relating to appeal and review in civil actions.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 956 of the Code of Civil Procedure is amended to read:

Review on appeal

956. Upon an appeal from a judgment the court may review the verdict or decision, and any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the judgment, or which substantially affects the rights of a party. The court may also on such appeal review any order on motion for a new trial. The respondent, or party in whose favor the judgment was given, may, without appealing from such judgment, request the court to and it may review any of the foregoing matters for the purpose of determining whether or not the appellant was prejudiced by the error or errors upon which he relies for reversal or modification of the judgment from which the appeal is taken. The provisions of this section do not authorize the court to review any decision or order from which an appeal might have been taken.

SEC. 2. Section 988h of said code is amended to read:

Scope of review

988h. Upon an appeal from a municipal court, the superior court may review the verdict or decision and any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the judgment or order appealed from or which substantially affects the right of a party, including, on any appeal from the judgment, any order on motion for a new trial, and may affirm, reverse or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, and may, if necessary or proper, direct a new trial or further proceedings to be had. The respondent, or party in whose favor the judgment was given, may, without appealing from such judgment, request the court to and it may review any of the foregoing matters for the purpose of determining whether or not the appellant was prejudiced by the error or errors upon which he relies for reversal or modification of the judgment from which the appeal is taken. If there be a new trial, it must be in the municipal court. If it appears

to the superior court that any appeal was taken solely for delay, it may, on dismissal of such appeal or affirmance of the judgment or order appealed from, add to the costs of appeal such damages as may be just, not exceeding 25 percent of the judgment appealed from, if it be a judgment for money, or 25 percent of the value of the property if it be a judgment for the recovery of specific personal property.

CHAPTER 1612

An act to add Section 2015.5 to the Code of Civil Procedure, and to amend Section 118 of the Penal Code, relating to certifications made under penalty of perjury.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2015.5 is added to the Code of Civil Procedure, to read:

2015.5. Whenever, under any law of this State or under any rule, regulation, order or requirement made pursuant to law, any matter is required or permitted to be evidenced, established, or proved by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may with like force and effect be evidenced, established or proved by the unsworn statement, declaration, verification, or certificate, in writing of such person stating the date and place of execution, and which is subscribed by him and certified or declared by him to be true "under penalty of perjury," which certification or declaration may be in substantially the following form: Unsworn statements, etc.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

SEC. 2. Section 118 of the Penal Code is amended to read:

118. Every person who, having taken an oath that he will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which such an oath may by law be administered, wilfully and contrary to such oath, states as true any material matter which he knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which such testimony, declarations, depositions, or certification is permitted by law under penalty of perjury and wilfully states as true any material matter which he knows to be false, is guilty of perjury. Perjury

CHAPTER 1613

An act to amend Sections 21719 and 21883 of the Business and Professions Code, relating to disposition of fees collected.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 21719 of the Business and Professions Code is amended to read:

21719. All fees collected under the provisions of this chapter shall be credited to the Department of Agriculture Fund to be used in carrying out the provisions of this chapter.

SEC. 2. Section 21883 of said code is amended to read:

21883. All fees collected under the provisions of this chapter shall be credited to the Department of Agriculture Fund.

CHAPTER 1614

An act to amend Section 12505 of the Business and Professions Code, relating to weighing and measuring instruments.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 12505 of the Business and Professions Code is amended to read:

12505. Whenever a sealer compares weights and measures or weighing or measuring instruments and finds that they correspond, or causes them to correspond, to the standards in his possession, he shall seal or mark such weight or measure or weighing or measuring instrument with an appropriate device, of a uniform form, design and color approved by the department, placed so as readily to be seen, showing that the weight or measure or weighing or measuring instrument is correct and the date of the inspection If a lead seal is used the date may be shown by the year only.

CHAPTER 1615

An act to amend Section 12514 of the Business and Professions Code, relating to sealers of weights and measures.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 12514 of the Business and Professions Code is amended to read:

12514. No sealer shall sell or be interested directly or indirectly in the sale of any weighing or measuring instrument, nor shall he accept a fee, compensation, or gratuity of any kind for adjusting or repairing any weighing or measuring instrument.

CHAPTER 1616

An act to amend Section 1241 of the Code of Civil Procedure and Section 1355.1 of the Financial Code, relating to rapid transit districts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1241 of the Code of Civil Procedure is amended to read:

Condemnation

1241. Before property can be taken, it must appear:

1. That the use to which it is to be applied is a use authorized by law;

2. That the taking is necessary to such use; provided, when the board of directors of an irrigation district, of a transit district, of a rapid transit district, of a public utility district, or of a water district or the legislative body of a county, city and county, or an incorporated city or town, or the governing board of a school district, shall, by resolution or ordinance, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion, by such county, city and county, or incorporated city or town, or school district, or irrigation, transit, rapid transit, public utility, or water district, of any proposed public utility, or any public improvement, and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence; (a) of the public necessity of such proposed public utility or public improvement; (b) that such property is necessary therefor, and (c) that such proposed public utility or public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury; provided, that said resolution or ordinance shall not be such conclusive evidence in the case of the taking by any county, city and county, or incorporated city or town, or school district, or irrigation, transit, rapid transit, public utility, or water district, of property located outside of the territorial limits thereof.

3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use; provided, that where such property has been so appropriated by any individual, firm or private corporation the use thereof for a public street or highway of the State,

a county, city and county, or any incorporated city or town, or joint highway district, or the use thereof by the State, a county, city and county, or any incorporated city or town, or joint highway district, or a municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district for the same purposes to which it has been appropriated or for any public purpose, shall be deemed a more necessary use than the public use to which such property has been already appropriated; and provided, further, that property of any character, whether already appropriated to public use or not, including all rights of any nature in water, owned by any person, firm or private corporation may be taken by a county, city and county, or any incorporated city or town or by a municipal water district, or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district, for the purpose of supplying water, or electricity for power, lighting or heating purposes to such county, city and county, or incorporated city or town, or municipal water district, or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district, or the inhabitants thereof, or for the purpose of supplying any other public utility, or for any other public use. And such taking may be made, either to furnish a separate and distinct supply of such water, and such electricity for power, lighting or heating purposes, or to provide for any such separate and distinct other public utility or other public use; to furnish such a supply or provide for any such other public utility or other public use in conjunction with any other supply or with any other public utility or other public use that may have been theretofore provided for or that may thereafter be provided for in so supplying or providing for such county, city and county, or incorporated city or town, or municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district, or the inhabitants thereof; or in conjunction with any other supply or with any other public utility or other public use that may have been theretofore determined upon or that may thereafter be determined upon in accordance with law by the people of any such county, city and county, incorporated city or town or municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, or a water district. Nothing herein contained shall be construed as in any way limiting such rights as may be given by any other law of this State to counties, cities and counties, incorporated cities or towns or municipal water districts or irrigation districts, transit districts, rapid transit districts, public utility districts, or water districts.

But private property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, or irrigation district, or transit district, or

rapid transit district, or public utility district, or water district, may not be taken by any other county, city and county, incorporated city or town, or municipal district, or irrigation district, or transit district, or rapid transit district, or public utility district, or water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

SEC. 2. Section 1355.1 of the Financial Code is amended to read:

1355.1. In the bonds of any flood control and water conservation districts, or any zone thereof, having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, transit district, rapid transit district, flood control district, or school district of the State of California (herein referred to generally as public corporations) except the bonds of any particular such public corporation which may be declared ineligible for investment by savings banks by regulations of the superintendent; provided, an amount exceeding twenty-five (25) percent of the paid-up capital and surplus of the savings bank or exceeding two (2) percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one such public corporation. Bond investment

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CHAPTER 1617

An act to amend Sections 969a, 969c, and 3024 of the Penal Code, relating to minimum terms of imprisonment.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 969a of the Penal Code is amended to read:

969a. Whenever it shall be discovered that a pending indictment or information does not charge all prior felonies of which the defendant has been convicted either in this State or elsewhere, said indictment or information may be forthwith amended to charge such prior conviction or convictions, and if such amendment is made it shall be made upon order of the court, and no action of the grand jury (in the case of an indictment) shall be necessary. Defendant shall promptly be rearraigned on such information or indictment as amended and be required to plead thereto. Prior convictions

SEC. 2. Section 969c of said code is amended to read:

969c. Whenever a defendant is armed with a firearm or other weapon under such circumstances as to bring said defendant within the operation of Section 3024 of the Penal Code relating to certain minimum penalties or of Section 12022 of Armed defendant

the Penal Code, the fact that the defendant was so armed may be charged in the accusatory pleading. This charge, if made, shall be added to and be a part of the count or each of the counts of the accusatory pleading which charge the offense at the time of the commission of which or at the time of the arrest for which the defendant was armed with a weapon. That portion of any count which charges that the defendant was armed shall be sufficient if it can be understood therefrom that at the time of his commission of the offense set forth in the count, the defendant was armed with a weapon, or that at the time of his arrest therefor he was armed with a concealed deadly weapon. The nature of the weapon must be set forth but it shall be sufficient if this is done substantially in the wording of either of the above mentioned statutes, as a blackjack or a razor with an unguarded blade, or a pistol capable of being concealed upon the person without having a license or permit to carry such pistol. One such charge may name more than one weapon and may allege that the defendant was armed both at the time of his commission of the offense and at the time of his arrest. If the defendant pleads not guilty of the offense charged in any count which alleges that the defendant was armed either at the time of his commission of the offense or at the time of his arrest, or both, the question whether or not he was armed as alleged must be tried by the court or jury which tries the issue upon the plea of not guilty. If the defendant pleads guilty of the offense charge the question whether or not he was armed as alleged must be determined by the court before pronouncing judgment.

SEC. 3. Section 3024 of said code is amended to read:

Same: Minimum sentence

3024. The following shall be the minimum term of sentence and imprisonment in certain cases, notwithstanding any other provisions of this code, or any provision of law specifying a lesser sentence:

(a) For a person not previously convicted of a felony, but armed with a deadly weapon either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, two years;

(b) For a person previously convicted of a felony either in this State or elsewhere, and armed with a deadly weapon, either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, four years;

(c) For a person previously convicted of a felony either in this State or elsewhere, but not armed with a deadly weapon at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, two years;

(d) For a person convicted at one trial of more than one felony, and upon whom are imposed cumulative or consecutive sentences the aggregate of the minimum terms of which exceed 10 years, 10 years;

(e) Such minimum penalties shall apply only when such possession of a deadly weapon or previous conviction of a felony as above specified has been charged and admitted or

found to be true in the manner provided by law and the minimum terms specified in paragraphs (a) and (b) shall not apply in those cases wherein the property stolen or sought to be stolen is an animal or animals and the manner in which such property is taken or attempted to be taken constitutes the crime of theft and the weapon used during the commission thereof is not used or intended to be used against a person or to resist arrest.

(f) The words "deadly weapon" as used in this section are hereby defined to include any instrument or weapon of the kind commonly known as a blackjack, slung shot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

(g) For the purpose of determining whether or not a conviction for a public offense in another jurisdiction is a previous felony conviction under this section, the word "felony" is defined as a public offense which, if committed in this State, could have been punished as a felony under the laws of this State. Where such an offense is punishable in this State either as a felony or as a misdemeanor, it may be deemed a felony for the purposes of this section.

CHAPTER 1618

An act to add Section 4115.5 to the Penal Code, relating to commitment to jail of other county.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4115.5 is added to the Penal Code, to read:

4115.5. The boards of supervisors of two or more counties may enter into an agreement permitting commitment of misdemeanants, and any persons required to serve a term of imprisonment in county adult detention facilities as a condition of probation, to a jail in any county included in the agreement. Such agreement must make provision for support of a person so committed or transferred by the county from which he is committed. When such an agreement is in effect commitments may be made by the court and support of any such person shall be a charge upon the county from which he is committed. No prisoner shall be placed in the jail of another county the jail of which is located more than 50 miles from the prisoner's residence.

CHAPTER 1619

An act to amend Section 1242 of the Civil Code, relating to homesteads.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1242 of the Civil Code is amended to read:

1242. The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife or unless each spouse executes and acknowledges a separate instrument so conveying or encumbering the homestead in favor of the same party or his successor in interest; provided, however, that a conveyance of the homestead between husband and wife need be executed and acknowledged only by the spouse conveying, and unless the one conveying expressly reserves his homestead rights, the spouse to whom the conveyance is made may convey or encumber the homestead property in the same manner and to the same extent as though no homestead had been declared.

CHAPTER 1620

An act to amend Section 19825 of the Health and Safety Code, relating to local housing ordinances, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 19825 of the Health and Safety Code is amended to read:

19825. (a) The provisions of Part 1 (commencing at Section 15000) of this division and of Chapter 1 (commencing at Section 19000), Chapter 2 (commencing at Section 19100), and Chapter 3 (commencing at Section 19300) of Part 3 of this division shall not apply within any city having and enforcing a local ordinance prescribing minimum standards equal to or greater than such provisions of this division; such local ordinance shall supersede such provisions of this division.

(b) No provision of this chapter shall be construed to authorize a reduction in or exemption from the provisions of Chapters 3 (commencing at Section 15250) and 4 (commencing at Section 15351) of Part 1 of this division or a reduction in the maintenance, sanitation or occupancy provisions of Part 1 of this division.

(c) The provisions of this chapter shall be effective only in a city where the legislative body determines that an ordinance described in subdivision (a) of this section is in force and effect and so notifies the state department presently charged with enforcement of the provision of this division if a state department be so charged.

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:

Cities and counties in California in cooperation with the Urban Renewal Program of the Federal Government have under way urban renewal programs as contained in the Federal Housing Act of 1949 as amended. To qualify for proffered federal aid in such programs communities are required to enact and enforce housing codes commensurate with modern, sound housing and neighborhood standards. Many provisions of the State Housing Act have been deemed inadequate in meeting such standards and Chapter 9 of Division 13 of the Health and Safety Code has been interpreted as prohibiting cities and counties from enacting and enforcing a housing ordinance that is more restrictive in its provisions than are the provisions of the State Housing Act.

CHAPTER 1621

An act to add Chapter 5 5 (commencing at Section 18440) to Part 2 of Division 13 of the Health and Safety Code, relating to tent camps.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 5.5 is added to Part 2 of Division 13 of the Health and Safety Code, to read:

CHAPTER 5.5. TENT CAMPS

18440. Tent camps shall be subject to all of the provisions and definitions of this part except as otherwise provided in this chapter. Application

The provisions of this chapter shall not prevent local authorities of any city, county, or city and county within the reasonable exercise of the police power from prohibiting tent camps within such city, county, or city and county, or from adopting rules and regulations, by ordinance or resolution, prescribing higher standards of sanitation, health and safety for tent camps and requiring a local health permit to maintain and conduct

any such tent camp within such city, county, or city and county.

Location and operation

18441. Tent camps may be located and operated in conjunction with trailer parks provided that the tent camp portion is set aside separately and distinctly from the trailer park area

Area

18442 Each site in a tent camp shall be not less than four hundred square feet (400 sq. ft.) in area.

Minimum distance Buildings

18443. Tents shall be located not closer than ten feet (10′) from any building or other tent on an adjacent site.

Same Bath, etc

18444. No tent site shall be located farther than two hundred feet (200′) from public toilet and public bathing facilities.

Garbage containers, etc

18445. Covered garbage and trash containers, of not less than twenty gallon (20 gallon) capacity, shall be located throughout the campgrounds at intervals of not more than one hundred feet (100′).

Water supply

18446 Each tent camp shall be provided with pure and potable water throughout the campground adequate for all the requirements of the camp. Water shall be obtainable from faucets installed within one hundred feet (100′) of each site. Service sinks or other approved waste receptacles shall be located at and directly beneath each water outlet; such sinks shall be connected to an approved underground sewage disposal system.

18447. Public toilets and public shower baths shall be provided accessible to and for the exclusive use of tent campers. Public toilets and public shower baths hereafter installed shall be provided at the ratio of one (1) for each sex for each fifteen (15) campsites. Each toilet and each shower bath shall be installed in separate compartments. Lavatories shall be installed within the room containing toilet compartments and at the ratio of one (1) for each two (2) toilet fixtures.

CHAPTER 1622

An act to add Sections 5.1 and 5.2 to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), relating to the Santa Barbara County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

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

Sec. 5.1. The district may enter into contracts with the Federal Government or any other governmental agency incurring obligations or indebtedness not to be repaid in the year in which incurred and providing for the payment thereof to be made over periods in excess of one year, and may incur other obligations or indebtedness to be repaid in the next two succeeding fiscal years.

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

Sec. 5.2. In satisfying and paying any obligations or indebtedness incurred by it, the district shall follow the same procedures as may now or hereafter be provided by law for the payment of obligations and indebtedness by the County of Santa Barbara.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under existing law the Santa Barbara County Flood Control and Water Conservation District is experiencing great difficulties and delays in the meeting of its obligations and indebtedness, thereby hampering the efficient and effective performance of its functions. The district also finds it necessary to enter into contracts and other arrangements with other governmental agencies which would involve incurring indebtedness extending for a period longer than one year. This act would provide the necessary authorization in order to permit the district to accomplish its necessary functions. In order that the district may finance works urgently needed for the protection of life and property within the district and the development of water necessary for its inhabitants at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1623

An act to add Article 12 (commencing with Section 14301) to Chapter 1, Part 3, Division 12 of the Health and Safety Code, relating to local fire districts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 12 (commencing with Section 14301) is added to Chapter 1, Part 3, Division 12 of the Health and Safety Code, to read:

Article 12. Creation of Special Fire Protection Zones

14301. Upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 Petition

percent of the property, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district for the purpose of paying for the installation of capital improvements such as fire mains, fire plugs, or any other similar improvement, which is of sole benefit to the territory in a zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

Resolution contents

14302. The resolution initiating the proceedings shall describe the boundaries of the proposed special fire protection zone, declaring that public interest and necessity demands its creation, and the reasons therefor, and set a date for a public hearing on the question of the creation of the zone before the district board.

Hearing

14303. Notice of the hearing shall be given by the publication of a copy of the resolution in the manner prescribed for the publication of notices in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

Objection

14304. Any person interested, at or before the hearing, may file with the district board a written objection to the creation of the zone or to the inclusion of his property in it. At the hearing the district board shall hear and determine all protests and objections. At the conclusion of the hearing the district board shall decide and determine whether the zone shall be formed with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the size of the zone. A copy of the order creating a special zone describing the territory thereof, accompanied by a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901, and 54902 of the Government Code.

Tax

14305. The district board, after complying with the provisions of Sections 54900, 54901, and 54902 of the Government Code, shall levy a tax upon all taxable property in a special fire protection zone to provide a fund for expenditure for the purposes stated in the resolution proposing the creation of the zone which the district board determines will be for the sole benefit of the zone.

Abolishment

14306. Any special fire protection zone may be abolished by resolution of the district board, after hearing held in the manner provided for in this article for the original creation of the zone, whenever the district board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

Operative date

SEC 2. Section 1 of this act becomes operative only if the Local Fire District Law is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as said law takes effect.

CHAPTER 1624

An act to repeal Chapter 1 (commencing with Section 14001), Part 3, Division 12 of, and to add Chapter 1 (commencing with Section 14001) to Part 3, Division 12 of, the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 1 (commencing with Section 14001) of Part 3, Division 12 of the Health and Safety Code is repealed. Repeal

SEC. 2. Chapter 1 (commencing with Section 14001) is added to Part 3, Division 12 of said code, to read:

CHAPTER 1. LOCAL FIRE DISTRICTS

Article 1. General Provisions

14001. This chapter may be cited as the Local Fire District Law. It is the successor to the 1881 act relating to fire protection districts in unincorporated areas. Short title

14002. "District," as used in this chapter, means a district created or reorganized pursuant to this chapter or pursuant to any law which it supersedes. "District"

14003. "District board," as used in this chapter means the board of fire commissioners of a district. "District board"

14004. "Employees," as used in this chapter, means all duly appointed officers and employees of the district and the fire department, including those regular, volunteer and call firemen who are employed and paid on a full-time or part-time basis, and including such persons as may be requested or appointed by the officer in charge of a fire, with authorization of the district board, to assist in the suppression of a fire. "Employees"

14005. If the area proposed to be organized or reorganized as a local fire district lies within more than one county, or if, subsequent to any annexation or consolidation, a local fire district contains territory lying within more than one county, "principal county," as used in this chapter, means that county having the greatest proportion of the total assessed valuation of the district or proposed district, and that county shall remain the principal county even though subsequent changes occur, the result of which being that another county may then contain the greatest proportion of the total assessed valuation of the district. "Principal county"

14006. Unless otherwise provided herein, whenever in this chapter a duty or responsibility is given to a county or the board of supervisors or any county official, and the district or proposed district lies within more than one county, such duty Performance, etc., of duties

shall be performed or responsibility discharged by the county which is the principal county or by the board of supervisors or the designated county official of the principal county. In any existing district lying within more than one county, the principal county shall be that county now acting as such.

Purpose

14007. It is the purpose of this chapter to make available a procedure for the organization, operation, government, consolidation, reorganization, and dissolution of local fire districts.

Applicable law

14008. The manner of formation of a local fire district, the annexation and exclusion of territory and the consolidation and dissolution of such districts, unless otherwise provided herein, shall be as prescribed in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code. All of the provisions of that chapter are incorporated in this chapter by reference and shall have the same force and effect as if fully set forth herein.

Conflicts

14009. The provisions of Section 58309 of the Government Code notwithstanding, in the event of conflict between the provisions of this chapter and those of Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code, the provisions of this chapter shall prevail.

Formation

14010 Any area of this State not lying within any other fire district and not including any timbered, brush or grass covered lands declared to be the responsibility of the State for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code, except as provided in this section, may be organized as a local fire district pursuant to this chapter.

Upon receipt of a petition for the formation of or the annexation to a local fire district, if the proposed formation or annexation contains an area declared by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the fire protection responsibility of the State, the board of supervisors, in the case of formation, or the district board, in the case of annexation, shall file with the State Forester a notice of such proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including such lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the State.

This section shall apply to districts hereafter formed and to annexations to existing districts.

Exemption

14011. Districts formed or proposed to be formed under this chapter are not subject to any provisions of the "District Investigation Act of 1933."

Noncompliance

14012 In the case of districts created or reorganized under this chapter or any statutory predecessor thereof subsequent to 1935, and in the case of districts created prior to 1935 and subsequently reorganized under this chapter or any statutory predecessor thereof, no assessment or act relating to the assessment or collection of taxes, nor any election held under this

chapter, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this chapter, nor on account of any misnomer.

Validity contest

14013. Any proceeding in which the validity of the organization or reorganization of a district is questioned shall be commenced within three months after the date of the first election of members of the district board or the date of such reorganization; otherwise such organization or reorganization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

Procedure

14014. When a district is organized or reorganized pursuant to the provisions of this chapter, the clerk of the board of supervisors shall, in addition to the filing required by Section 58133 of the Government Code, comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

Boundaries statement

14015. On or before the first day of February of any year that an assessment or taxes are to be levied, and when the boundaries of any local fire district are changed for any reason whatsoever, the tax or assessment levying authority shall comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

Certificate of existence

14016. When a district is organized or reorganized, and upon receipt of notice of such organization or reorganization, the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

Affidavit of organization

14017. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter, shall submit to the Secretary of State an affidavit reciting the facts of such organization or reorganization, together with certified copies of any documentary proof of such organization or reorganization and a description of the boundaries of such district. Upon receipt of the affidavit the Secretary of State shall issue to the district board of such district, a certificate evidencing the existence of such district under such organization or reorganization.

Failure to file affidavit

14018. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter which does not within six months after the effective date of this section file the affidavit required by Section 14017 shall cease to exist and all its property shall revert to the county or counties in which the district is located.

In such cases the board of supervisors is, ex officio, the governing body of the former district and may levy taxes and assessments and perform other acts necessary to terminate the district affairs.

Existing districts

14019. Except as otherwise provided by law, any district existing at the time of the effective date of this chapter, under any provisions of any act or law repealed, amended or super-

seded by this chapter, shall continue to exist, and shall be subject to the provisions of this chapter as though it were created hereunder. Any and all taxable property located within any such district organized or reorganized at the time of the effective date of this chapter shall continue to be subject to the levy of taxes for general purposes and for the payment of any indebtedness previously created, all as provided herein. The repeal of any acts herein shall not be held to affect or invalidate any claims, demands, acts, debts, contracts, obligations or indebtedness of any district created under the provisions of any such act.

Studies and reports

14020. The State Fire Marshal shall, from time to time, study and investigate the law relating to the formation and organization of local fire districts and shall, following each such study and investigation, report to the Legislature the results of his investigation and study and also his conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

Construction

14021. This chapter is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purpose.

Article 2. Formation: Petition and Hearing

Formation petition

14041. Fifty or more taxpayers of any area may petition the board of supervisors for the formation of a local fire district, and thenceforth the procedure for formation shall be as specified in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code, except as otherwise provided in this chapter. The petition may include a request that taxes and assessments levied for the district purposes be limited to a stated amount.

Contents

14042. The petition for formation of a district shall also specify the number of fire commissioners to be elected, and shall be accompanied by petitions of nomination for the position of fire commissioner, of such number of persons as will provide no less than one nominee for each of such positions to be filled.

Preliminary hearing

14043. The provisions of Sections 58060 and 58061 of the Government Code, relating to the holding of a preliminary hearing, shall not apply to any procedure for the organization or reorganization of a district under this chapter.

Tax limitation

14044. If the petition for formation contained a request that district taxes and assessments be limited to a stated amount, the taxes and assessments levied for the purpose of the district formed pursuant thereto shall be limited to the amount so stated, except as to taxes and assessments for purposes authorized at an election as provided by this chapter, and unless this limitation shall be removed or amended by a majority of the voters of the district at a special election called by the district board.

Article 3. The Board of Fire Commissioners

Board

14051. The board of fire commissioners of a local fire district shall consist of three or five members elected as provided in Article 5 of this chapter, except as otherwise provided herein.

Terms Three members

14052. If the petition for formation specifies that the district board shall consist of three members, the nominee receiving the largest number of votes at the first election shall be considered as having been elected for a three-year term, and the nominees receiving the second and third largest number of votes shall be considered as having been elected for terms of two years and one year respectively.

Same Five members

14053. If the petition for formation specifies that the district board shall consist of five members, the two nominees receiving the largest and second largest number of votes at the first election shall be considered as having been elected for three-year terms, and the two nominees receiving the third and fourth largest number of votes shall be considered as having been elected for two-year terms, and the nominee receiving the fifth largest number of votes shall be considered as having been elected for a one-year term.

Tie vote

14054. If pursuant to Section 14052 or Section 14053 two or more nominees for the district board receive the same number of votes, the board of supervisors shall cast the deciding vote to determine the election and tenure of office of the nominees concerned.

Increase of board

14055. Subsequent to the formation of a district or the consolidation of two or more districts, if, by petition of 50 or more electors or by unanimous resolution of the district board, it is proposed to increase the number of fire commissioners from three to five, the district board shall, upon receipt of such petition or upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election. If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new fire commissioners, one of whom shall serve for a three-year term and the other for a two-year term.

Terms

14056. The terms of office of the first elected members of the district board or of a consolidated district board, shall run until the third Tuesday of April of the first, second and third years next succeeding their election, except that if the first district board or a consolidated district board is elected within less than six months before the first Tuesday of April their terms shall run until the third Tuesday of April of the second, third and fourth years next succeeding their election. The commissioners shall hold office until their successors shall be elected or appointed and qualified.

Election

14057. On the first Tuesday of April of the year next succeeding the first election or if the first district board or consolidated district board is elected within less than six months

before the first Tuesday of April, then on the first Tuesday of April of the second year succeeding the first election, and on the first Tuesday of April of every year thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the third Tuesday in the same month and shall hold office for the term of three years, or until their successors are elected or appointed and qualified.

Lack of nominees

14058. If on the fortieth day prior to a general district election only one person has been nominated for each of the positions of fire commissioner to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board, an election shall not be held.

Appointment

14059. In such case the publication provided for in Section 14131 shall, instead of calling an election, state that no election is to be held but that the board of supervisors shall appoint those nominated for the positions of fire commissioner or shall, if no persons have been nominated, appoint any qualified persons to the positions.

Same

14060. If pursuant to Section 14059 a general district election is not held, the board of supervisors shall, at a meeting held prior to the day fixed for the election, appoint to the positions of fire commissioner those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any persons thus appointed shall qualify, take office and serve as if elected at a general district election.

Vacancy

14061. Any vacancy in the office of a member elected to the district board shall be filled by appointment by the board of supervisors for the unexpired term.

Regular meetings

14062. Within 30 days after their first election and after each general district election or unopposed election, and whenever vacancies in any office may occur and are filled, or after any appointments made pursuant to the provisions of Section 14055 or of Article 9 (commencing with Section 14231), the district board shall meet and organize as a board, electing a president from their number, and a secretary, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

Quorum

14063. A majority of the board shall constitute a quorum for the transaction of business.

Official acts

14064. The board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.

Salary

14065. Each member of the district board shall receive such sum as may be fixed by the board, not exceeding ten dollars ($10), for each meeting of the board attended by him, not exceeding four meetings in any calendar month.

14066. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board. Expenses

14067. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 11050), Division 13 of the Elections Code. Recall

Article 4. General Powers and Duties

14091. The district board shall have perpetual succession. Powers and duties

14092. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain.

(d) To establish, equip and maintain a fire department, and to establish and enforce rules and regulations for the administration, operation and maintenance thereof.

(e) To appoint and employ necessary employees, and to define their qualifications, duties and responsibilities, and to provide for a pay schedule and for payment in a reasonable sum for the performance of such duties.

(f) To employ counsel.

(g) To enter into and perform all necessary contracts, including but not limited to contracts for the supply and distribution of water, and for the furnishing of necessary services to or the receipt of such services from another district.

(h) To provide and maintain any and all special service functions necessary for the prevention of fire and for the protection of life and property from fire and panic, including the investigation of fire and prosecution of crimes of arson.

14093 The district board may purchase and maintain ambulances and operate ambulances or ambulance services within and without the district. Ambulances

14094. The district board may establish, equip, maintain and operate rescue and first aid services within and without the district Rescue and first aid services

14095 The district board may contract with other governmental agencies. Contracts

14096. The district board may, by ordinance, provide for a civil service system for employees of the district. Civil service system

14097. The district board may require any employee of the district to be bonded, the cost of such bonds to be borne by the district. Bonded employees

Lease or rent of vehicles

14098. The district board may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitations.

Employee hospital services

14099. The district board may enter into group hospital service contracts with hospitals and hospital districts for hospital service for the members of the district board and the employees of its fire department relating to injuries suffered by such persons in the performance of duty; and for such purpose the fire district is construed to be a district within the meaning and effect of Section 11512.2 of the Insurance Code and other laws related thereto.

Insurance

14100. In addition to compensation insurance required by law, the district board may insure its members and employees against accidental death and injury in the performance of their duties.

Group hospitalization

14100.1. Notwithstanding the provisions of Section 14099 and Section 14100 of this code, nothing herein shall be construed to limit the district board from entering into group hospital service contracts with hospitals and hospital districts for hospital service, or from adopting a system of group health, sickness, accident or disability insurance, for the benefit of its members and employees pursuant to any other procedure therefor established by law.

Organization membership

14101. The district board, on behalf of its fire department, may maintain membership in any local, state or national group or association organized and operated for the promotion of the preservation of life and property from the hazards of fire and panic.

Attendance

14102. The district board may authorize the attendance of its members and employees at professional or vocational meetings and may authorize payment of reasonable expenses therefor, including transportation to and from such meetings.

Fire equipment

14103. The purchase of all equipment for fire protective purposes shall conform to the standardization provisions of Section 13025.

Seal

14104. The district may adopt a seal.

Record

14105. The district board shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection.

Clearing of land

14106. The district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard. The provisions of Part 5 (commencing with Section 14875), Division 12, of this code are made applicable to the local fire districts organized and existing pursuant to this chapter, including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety

by creating a fire hazard. In the application of the provision of said Part 5 (commencing with Section 14875), Division 12, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean the district board acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the employees of the fire department designated by the district board.

Ordinances

14107. The district board may, after publication of notice and hearing, adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagration not in conflict with any ordinance on the subject previously adopted by the board of supervisors of any county in which a part of the district is located.

Form

14108. Each ordinance shall be signed by the members of the district board and published. Copies of all district ordinances shall be available, in the office of the district board, for public distribution.

Violation

14109. Every person who violates any of the provisions of a district ordinance adopted pursuant to Section 14107, or who fails or refuses to correct or eliminate a fire or life hazard after written order of the district board or its authorized representative, or who falsely personates a member of the district board or any officer of the district is guilty of a misdemeanor.

Review

14110. If any person who has been ordered, pursuant to Section 14109, to correct or eliminate a fire or life hazard believes that strict compliance with the order would cause undue hardship, he may, within 10 days, present a written request to the district board for a hearing on and a review of such order. The request shall state the reasons therefor, and the district board shall, within 30 days of the receipt of same, hold a hearing, and may, if they determine that the circumstances appear to justify such action, modify, vacate, or affirm the order.

Powers of fire officers

14111. The officers of the fire department of the district shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

Fire permit

14112. If, within any area of the district, the district board has established regulations for the control of open fires, no person desiring or required to burn flammable material shall do so except under a permit issued by the district. No permit to burn flammable materials shall be issued in conflict with burning regulations of an air pollution control district, or regulations established pursuant to the Public Resources Code.

Fire prevention

14113. The district board shall encourage the adoption of fire preventon measures by means of education, and may prepare or cause to be prepared and disseminated information relating to the subject of fire prevention and extinguishment.

Firemen's training

14114. The district board may establish or cause to be established a program of firemen's training or may authorize the participation of district firemen in such a program as otherwise established.

Article 5. Provisions Relating to Elections

Elections

14131. The district board shall call elections, subsequent to the organization of the district, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code. No other notice of such elections need be given, and neither sample ballots nor polling place notices need be mailed for such elections.

County clerk

14132. Where a district has not already been formed the county clerk shall perform such duties as may be required incident to the election, which duties would otherwise normally be performed by the district board or the secretary thereof.

Election laws

14133. All district elections shall be called, held and conducted in all respects as nearly as practicable in conformity with the provisions of law governing elections in general law cities except as otherwise provided herein.

Candidate

14134. No person shall be a candidate for or be appointed to or hold office on the district board unless he is a voter of the district or proposed district.

Ballots

14135. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities.

Expense

14136. The expense of the election held relative to the formation of a district shall be paid by the county if the proposition fails to carry, but if the formation is approved such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

Article 6 Finance, Taxation and Bonds

Indebtedness

14151. The district board may, for any purpose for which the district is authorized to expend funds without the necessity of calling or holding an election in the district, borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter. Such indebtedness shall not exceed 85 percent of the estimated tax income for the current year.

Budget estimate

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

(1) Maintenance and operation;
(2) Capital outlay;
(3) Bonded or other indebtedness interest and redemption;
(4) Capital outlay reserve;
(5) Unappropriated reserve;
(6) General reserve.

Annual statement

14153. On or before the fifteenth day of May of each year the district board shall publish a notice at least one time stating:

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

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

Taxpayer

14154. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

Continuance

14155. The hearing on the budget may be continued from time to time until concluded.

Final budget

14156. The district board shall report the final budget to the board of supervisors or to each board of supervisors concerned, after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

Tax

14157. The board of supervisors of each county concerned shall, at the time of levying the county taxes, levy a tax upon all the property taxable by the local fire district lying within the county, sufficient to meet the county's share of the amount set forth in the final budget submitted by the district board.

14158. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for use of the district All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

Emergency appropriation

14159. On finding of emergency affecting the ability of the district to furnish adequate fire protection, the district board may, by resolution adopted by unanimous vote, provide that moneys received but not specifically set forth as revenue in the adopted budget be made available for appropriation and expenditure during the current fiscal year.

The district board may further provide by resolution for transfers or revisions of unencumbered funds within the general classes of the adopted budget, other than transfers from the capital outlay reserve.

Reserve

14160. The district board may establish a reserve for capital outlays. If such reserve is established, the board shall declare the purposes for which the reserve is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

Transfer to reserve

14161. At any time after the creation of a capital outlay reserve, the board may transfer to such reserve any unencumbered surplus reserve remaining to the credit of the district at the end of any fiscal year.

Use of reserve

14162. Whenever a capital outlay reserve is established, it shall be used only for the purposes specified at the time the reserve was established except that if, at the beginning of every fiscal year, it is found that the reserve is no longer required for such purposes, the board may, by unanimous vote, discontinue the reserve or transfer so much thereof as is no longer required for such purposes to the district general fund.

County treasurer

14163. The county treasurer shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

Warrants

14164. All accounts, bills, and demands against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal demands presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

Unpaid warrants

14165. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of 5 percent a year.

Bonds election

14166. If a structure or structures, or the acquisition of real or personal property, necessary for district purposes reasonably requires an expenditure in excess of available funds of the district derived from ordinary taxation, the district board may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election, nor shall the district incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district.

Resolution contents

14167. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, such rate or maximum rate not to exceed 6 percent per annum, and the nature of the proposed structure or improvement or of the property to be acquired, and such resolution shall be published as a notice of the election, in

accordance with the provisions of Sections 58006 and 58007 of the Government Code.

Authorization

14168. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the district board is thereupon authorized to issue the bonds.

Issuance

14169. Bonds issued pursuant to this chapter shall be issued as follows:

(a) A part, to be determined by the district board, which shall be not less than one-thirtieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may at the discretion of the district board, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board, but shall not be less than one hundred dollars ($100) or more than one thousand dollars ($1,000) each.

(e) The bonds shall be signed by the presiding officer of the district board and by the county treasurer. One of the signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the county treasurer in like manner as the bonds.

Sale

14170. Such bonds shall be sold by, or on behalf of the district board for not less than the face value thereof. Before selling the bonds, or any part thereof, the district 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 district board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Bond signatures

14171. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon, or if the term of office of such officer expires or he is removed from office or resigns or his office is otherwise vacated before the bonds and coupons have been signed, then the signature of his elected or appointed successor shall be placed on the bonds or coupons and shall be valid for all purposes connected with such bond or coupon.

Proceeds

14172. The proceeds of sale of all bonds so issued shall be deposited with the county treasurer and shall be withdrawn therefrom only upon the order of the district board or pursuant to its directions and only for carrying out of the purposes for which the bonds were issued.

Special tax

14173. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter. The tax shall be collected in the same manner and at the same time as other county taxes. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the purchase of any matured bond or interest coupon upon presentation thereof.

Postponed payment

14174. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the special tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated in the bond service fund.

Anticipated delinquencies

14175. The board of supervisors shall, in fixing the rate of the tax for bonds issued under this chapter, allow not to exceed 15 percent for anticipated delinquencies.

If the board of supervisors fail to do so, the county auditor shall fix the rate of the tax for bonds issued under this chapter.

Costs

14176. All costs incurred by the county in connection with the issuance of bonds pursuant to this chapter shall be reimbursed to it by the district issuing the bonds.

Article 7. Contracts

Contract for services without district

14201. Owners or occupants of property in the vicinity of the district, when such property is not included within the territory of any city or any other governmental agency providing fire protection, may contract with the district for one year or more for fire protection service for the property described in the contract. Such contract shall provide for fixed annual payment of agreed amount by such contracting party to the district, to be paid in advance at the date of the making of such contract, and on the even date thereof for each subsequent year covered by the contract.

Additional equipment

14202. Any city, all or part of which is included within the boundaries of a district, may if it desires provide for acquiring and maintaining fire fighting implements, apparatus and equipment, including water mains, hydrants, and water, in addition to those acquired and maintained therein by the district. The city may defray the cost of acquiring and maintaining such additional fire fighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof.

Article 8. Annexation and Exclusion of Territory

Limitation

14211. Territory, to be eligible for annexation to a fire district under the provisions of this article, shall not be a part of any other fire district.

Requisite petitioners Annexation

14213. For the purpose of Section 58231 of the Government Code, the requisite number of petitioners for annexation of territory shall be 50 or more qualified and registered electors, or the owners of at least 51 percent of the total assessed value of the property proposed to be annexed.

Same Exclusion

14214. For the purpose of Section 58231 of the Government Code, the requisite number of petitioners for exclusion of territory shall be the owners of the property proposed to be excluded, or 50 or more qualified and registered electors.

Same Protests

14215. For the purpose of Section 58238 of the Government Code, the requisite number of petitioners protesting annexation or exclusion of territory shall be that number of persons who are the owners of at least 51 percent of the property within the area proposed to be annexed or excluded, as shown by the last equalized assessment roll of the county or counties in which the district is located, and the election to decide whether the proposed annexation or exclusion shall occur shall be held within the area proposed to be annexed or excluded.

Dissolution

14216. If, in the judgment of the district board, the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to call an election for dissolution.

Vested property

14217. Upon the exclusion of any territory from a district, if such excluded territory is not annexed to or otherwise included within a city, and if the remainder of the district continues to exist as such, all property previously acquired for the district shall remain vested in the district and be used for purposes of the district.

Withdrawal

14218. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may thereafter be withdrawn from the district. The effective date of such withdrawal shall be stated in the resolution of the governing body of the city, describing the included portion and declaring such portion withdrawn, and copies of such resolution shall be filed with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor.

Prior to the effective date of such withdrawal, a city may, by resolution of its governing body, assume responsibility for furnishing fire protection to the annexed portion or any portion thereof. The date of the transfer of such responsibility shall be specified in the resolution, and thereafter the district shall be relieved of responsibility for providing fire protection for the portion so designated in the resolution. A copy of the resolution shall be filed with the district board prior to the specified date.

Unencumbered funds and property

14219. Upon the withdrawal of any territory of a district, by reason of annexation to a city, all property acquired for the district and all unencumbered funds on the date of withdrawal shall be divided between the city and the remaining district as provided below.

(a) If the assessed value of the real property annexed to the city is less than five thousand dollars ($5,000), no portion of the property and assets of the district shall be allocated to the city.

(b) If the assessed value of the real property annexed to the city is five thousand dollars ($5,000) or more, and if it is mutually agreeable to both governing bodies, the distribution of property and other assets shall be in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining.

(c) If, under the provisions of subdivision (b) above, no satisfactory agreement can be reached, and if it is mutually agreeable to both governing bodies, the basis for the distribution of property and assets may be established by such governing bodies after giving consideration to all the factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, and the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid.

(d) If, within one year from the date specified in the resolution of the city as the effective date of the withdrawal, no agreement on the distribution of property and assets has been reached by the governing bodies of the district and the city, the matter shall be referred for settlement to a special commission consisting of two members from the governing body of the city and two members from the district board, with a fifth member chosen by the four city and district representatives. The special commission shall, within six months after the date of the appointment of the fifth member, establish a fair and equitable distribution of the property and other assets of the district.

For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for the balance of the fiscal year.

Tax

14220. Property in territory included within a district shall, from and after the date of such inclusion, be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such inclusion, and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such inclusion.

Tax effect of withdrawal, etc

14221. Property in territory withdrawn or excluded from a district under this article shall, from the date of the filing,

as required by Section 14015, be free from assessments and taxes levied by the district, except that the area shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such withdrawal or exclusion, and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such withdrawal or exclusion.

Exemption

14222. The provisions of Section 58243 of the Government Code shall not apply to any annexation proceedings under this article.

Resolution

14223. In addition to the filing required by Section 58241 of the Government Code, the district board shall also file a copy of the resolution with the clerk of the board of supervisors, which body shall comply with the provisions of Section 14015.

Article 9. Consolidation

Consolidation

14231. The provisions of Sections 58260 and 58261 of the Government Code notwithstanding, two or more fire districts organized under this part may consolidate, and such consolidation shall be in conformity with the provisions of Article 9 (commencing with Section 58260), Chapter 1, Division 1, Title 6 of the Government Code, except as otherwise provided herein.

Resolution or petition

14232. The resolutions of the governing bodies of the districts proposing to consolidate, or the petitions relating thereto shall also state whether the proposed consolidated district board shall consist of three or five fire commissioners.

Election

14233. Insofar as possible, the provisions of this chapter relating to an election on the formation of a local fire district shall apply to an election on the proposition of consolidation called pursuant to this article, except that if on the thirtieth day prior to the day set for the election no petition signed by 5 percent of the voters of any one of the district protesting the consolidation has been received, an election on the proposition of consolidation shall not be held.

Without election

14234. If no election is required, pursuant to the provisions of Section 14233, the board of supervisors shall, after a hearing, proceed under the provisions of Sections 58267 and 58268 of Government Code as though a majority of the voters in each district had voted in favor of the consolidation.

Consolidated board appointment

14235. If pursuant to the provisions of Section 14233 and 14234, the proposition of consolidation is effected, the board of supervisors shall appoint the members of the consolidated board as follows:

(a) If only one person has been nominated for each position of fire commissioner to be filled, the board of supervisors shall appoint the person nominated.

(b) If the number of persons nominated for positions of fire commissioner is less than the number of such positions to be filled, the board of supervisors shall appoint the person or

persons nominated and such other qualified person or persons as will provide a district board of the size specified in the consolidation resolutions.

(c) If no persons are nominated for the positions of fire commissioner the board of supervisors shall appoint such qualified persons as will provide a district board of the size specified in the consolidation resolutions.

(d) If the number of persons nominated for the positions of fire commissioner is greater than the number of such positions to be filled, the board of supervisors shall appoint the required number of fire commissioners from among those nominated.

Terms Three members

14236 If the consolidation resolutions specify that the district board shall consist of three members, the board of supervisors, in making appointments as provided in Section 14235, shall designate one appointee for a three-year term, one for a two-year term and one for a one-year term.

Same Five members

14237. If the consolidation resolutions specify that the district board shall consist of five members, the board of supervisors, in making appointments as provided in Section 14235, shall designate two appointees for three-year terms, two for two-year terms and one for a one-year term.

Appointee

14238. Any person appointed pursuant to the provisions of Section 14235 shall qualify, take office and serve as if elected at a general district election.

Concurrent election

14239. If an election on the proposition of consolidation is required, there shall be held concurrent with such election, an election of members of the consolidated district board. Such district board shall be of the size specified in the resolutions proposing consolidation, and the members thereof shall be elected and their tenure of office determined as though the district was being newly formed.

14240. If the consolidation is effected, the term of office of the district boards of the heretofore separate districts shall terminate and the term of office of the district board of the accounts belonging to or due such district, in excess of an consolidated district shall commence on the date of the filing required by Section 58268 of the Government Code.

Succession to indebtedness, etc

14241. Upon the filing required by Section 58268 of the Government Code, and in addition to the provisions of Section 58269 of the Government Code, the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded or otherwise, of the consolidated districts.

Employees

14242. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and the seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

Article 10. Dissolution of District

Dissolution

14251. Pursuant to the provisions of this article, any district may be dissolved by the district board.

Petition

14252. The provisions of Section 58301 of the Government Code notwithstanding, 50 or more persons who are taxpayers or residents of such district, or a majority of the persons who are taxpayers or residents if there are less than 100 taxpayers and residents in the district, may file with the district board a petition requesting the dissolution of the district.

Election

14253. Upon receipt of the petition for dissolution, or if the district board initiates the proposition of dissolution, the district board shall, by resolution, call and publish notice of an election on dissolution.

Conduct

14254. The election on dissolution shall be conducted in accordance with the provisions of Article 5 (commencing with Section 58130), hereof, and Chapter 1, Division 1, Title 6 of the Government Code.

Community service district

14255. The provisions of Section 58306 of the Government Code notwithstanding, if a community services district has been formed pursuant to Division 2 (commencing with Section 61000), Title 6 of the Government Code, which community services district is coterminous with the dissolved fire district or contains such dissolved district entirely within its boundaries and will render the fire protection services previously rendered by the local fire district, the property and funds of the district, upon its dissolution, vests absolutely in such community services district, and such district shall be subject to all the indebtedness, bonded or otherwise, of the dissolved district.

Property division

14255.1. Upon the dissolution of a local fire district all the funds of the district remaining on hand shall be divided between any city and county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution, as determined by the last equalized assessment roll of the county or counties.

Use of funds

14256. Any county which, upon the dissolution of a local fire district, receives any share of the property or funds of the dissolved district, shall use such property or funds for fire protection purposes within the county.

Tax

14257. In the event a district is dissolved by proceedings under this article, by the inclusion of the whole of the district within a city, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such dissolution and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such dissolution.

Declaration of dissolution

14258. If a district has filed no financial report with the State Controller for a period of five years, the State Controller shall so certify to the board of supervisors of the county in which the district is located, and the board of supervisors may, by resolution, declare the district dissolved.

Article 11. Reorganization

Prior districts

14271. Any fire department or district organized or reorganized under the act which this chapter supersedes, or under this chapter, or organized under any of the provisions of this part, may be reorganized as a district under this chapter.

Petition

14272. Fifty or more taxpayers or residents of a district, or a majority of the governing body may petition the board of supervisors of the county in which the fire department or district is situated for reorganization.

Contents

14273. The petition shall be verified by at least one of the petitioners, and shall set forth the boundaries and name of the district and pray that the fire department or district be reorganized under this chapter.

Publication

14274. The petition shall be published by the board of supervisors for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard.

Hearing

14275. At the time fixed for hearing the board of supervisors shall hear the petition.

Limitation

14276. The board of supervisors shall not modify the boundaries of the fire department or district as set forth in the petition so as to exclude from the fire department or district any land which would be benefited by the reorganization of the fire department or district under this chapter, nor shall any lands which would not in the judgment of the board be benefited by the reorganized district be included within the district.

Inclusion of territory

14277. Any territory originally within the boundaries of the previously formed district shall not be excluded from the boundaries of a district reorganized pursuant to this chapter by reason of the fact that at the time of the filing of the petition for reorganization the territory shall then be included within a city; provided, that consent for the inclusion of the territory be given by the legislative body of the city prior to the filing of the petition for reorganization.

Exterior boundaries

14278. If the board of supervisors finds that the statements in the petition are correct it shall make an order describing the exterior boundaries of the territory included within the district as determined by the board and shall order that the territory be organized as a district under this chapter.

Order

14279. From and after the making of the order, the fire department or district is organized as a district under this chapter with all the powers conferred in this chapter.

14280. Reorganization shall not affect or impair the status or rights of the district board or of any duly appointed employees of the district, except that a board of three or five fire commissioners to be specified in the petition for reorganization shall be elected as provided in Article 3 of this chapter on the first Tuesday of April following the date of reorganization of the district under this chapter. The terms of such commissioners so elected shall be determined in the same manner as provided in Article 3 of this chapter in connection with the formation of a local fire district hereunder. Board

14281. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings. Property title, indebtedness, etc

14282. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this chapter.

14283. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities. Ordinance

14284. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this chapter. Proceedings

14285. The legality or existence of a fire department or district reorganized as provided for in this chapter shall not be affected by reason of any defect or illegality in the formation of the previously formed fire department or district. It is the intention of this article to provide a procedure for the reorganization as a district under this chapter of all fire departments or districts as may not have legal existence or may desire to be governed by this chapter. Legal existence

CHAPTER 1625

An act to add Section 6625.5 to the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6625.5 is added to the Business and Professions Code, to read:

6625.5. The board shall give written notice to every holder of a certificate under this chapter 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 that the certificate holder will be subjected to examination if renewal is not accomplished before the expiration date of the fifth year.

The board may comply with the 30 days notice requirement contained in this section by giving written notice to each barber shop 30 days in advance of the regular renewal date of a certificate issued under this chapter.

If the renewal fee is not paid for five or more years, the board shall require an examination before reinstating the certificate, except that no examination shall be required as a condition for reinstatement if the original certificate was issued without an examination. No examination shall be required for reinstatement if the certificate was forfeited solely by reason of nonpayment of the renewal fee if such nonpayment was for less than five years.

CHAPTER 1626

An act to amend Section 2811 of the Business and Professions Code, relating to nursing.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 2811 of the Business and Professions Code is amended to read:

Licenses

2811. (a) Prior to January 1st of each year, each licensed nurse shall apply for a renewal of his license and shall pay a renewal fee of one dollar ($1), whereupon the board shall renew his license. Every license not renewed will expire on the first day of March of each year, but may thereafter be renewed upon the payment of a renewal fee of one dollar ($1) and such proof of the applicant's qualification to be licensed as may be required by the board, except that no examination shall be required as a condition for the renewal of any expired license which has lapsed solely by reason of nonpayment of the renewal fee. This subdivision shall apply to the renewal of licenses for the calendar year 1954. Thereafter all licenses shall be renewed in accordance with subdivisions (b) and (c) of this section.

(b) Prior to January 1, 1955, each licensee shall apply for a renewal of his license and pay a fee as follows:

(1) One-half of such licensees, as determined by the board, shall pay a fee of one dollar ($1) for the calendar year 1955 and for the portion of the calendar year 1956 through and including the month following the month in which the applicant's birthday occurs.

(2) One-half of such licensees, as determined by the board, shall pay a fee of two dollars ($2) for the calendar years 1955 and 1956 and for the portion of the calendar year 1957

through and including the month following the month in which the applicant's birthday occurs.

(3) Upon receiving the application and fee the board shall renew the license. Thereafter each licensee shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, whereupon the board shall renew his license.

(c) Each person who is issued a license on or after January 1, 1955, shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

(d) Each license not renewed in accordance with subdivisions (b) and (c) of this section shall expire but may thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that no examination shall be required as a condition for the reinstatement of any expired license which has lapsed solely by reason of nonpayment of the renewal fee.

CHAPTER 1627

An act to amend Section 2137.1 of the Business and Professions Code, relating to persons authorized to practice medicine in state institutions.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2137.1 of the Business and Professions Code is amended to read:

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1959, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physi-

cian's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this State except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first employed. The provisions of this section shall terminate on October 1, 1959.

CHAPTER 1628

An act to add Section 24304 to the Government Code, relating to counties.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 24304 is added to the Government Code, to read:

24304. Notwithstanding the provisions of Section 24300, in counties of the thirteenth to fifty-seventh classes, inclusive, the board of supervisors by ordinance may consolidate the duties of certain of the county offices in one or more of these combinations:

(a) Sheriff and tax collector.
(b) Auditor and recorder.
(c) County clerk, auditor, and recorder.
(d) County clerk and public administrator.
(e) County clerk and recorder.
(f) County clerk and auditor.
(g) Treasurer and tax collector.
(h) Treasurer and recorder.
(i) Treasurer and assessor.
(j) Treasurer, assessor, and tax collector.
(k) Assessor and tax collector.
(*l*) Treasurer and public administrator.
(m) Public administrator and coroner.
(n) District attorney and public administrator.
(o) District attorney and coroner.
(p) Sheriff and coroner.
(q) Sheriff and public administrator.
(r) County agricultural commissioner and county sealer of weights and measures.
(s) County clerk and tax collector.
(t) Treasurer, tax collector, and recorder.

CHAPTER 1629

An act to amend Section 18251 of, and to add Section 18250.1 to, the Health and Safety Code, relating to the Division of Housing.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 18250.1 is added to the Health and Safety Code, to read:

18250.1. With respect to any provision of this part in which the Division of Housing is empowered to adopt or promulgate its rules or regulations to implement or enforce that provision, any city, county, or city and county may approve and enforce alternative rules and regulations if it finds that local conditions or requirements cause alternative provisions to be more desirable and the material, appliance, installation, device, arrangement, method, work, or other subject of regulation is deemed by it to be adequate in quality, strength, effectiveness, durability, or safety for the protection of life and health. If any city, county, or city and county adopts such rules or regulations, any rules or regulations of the Division of Housing relating to the same subject of regulation shall not apply in that city, county, or city and county.

Alternative rules and regulations

SEC. 2. Section 18251 of said code is amended to read:

18251. Any city, county, or city and county may enact an ordinance to permit the use or occupancy of trailer coaches of the type described in subdivision (g) of Section 18250 or to provide that the provisions of subdivision (g) of Section 18250 shall not apply therein, and that, in lieu thereof, the regulations adopted and enforced by the city, county, or city and county shall apply. If an ordinance is enacted and such regulations are adopted, the provisions of subdivision (g) of Section 18250 shall not apply within the city, county, or city and county, but the ordinance and regulations shall apply therein. The provisions of Section 18276 of this code shall not be construed as a limitation upon this section.

Trailer coaches

CHAPTER 1630

An act to add Section 71140.1 to the Government Code, relating to municipal courts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 71140.1 is added to the Government Code, to read:

71140.1. The attaches of a municipal court may reside temporarily in counties adjoining the county in which they are employed if such temporary residence does not deprive them of their status as electors of the judicial district or city and county in which they are appointed or elected.

CHAPTER 1631

An act to amend Section 1944 of the Labor Code, relating to the employment of aliens.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 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 any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

CHAPTER 1632

An act to amend Section 1816 of the Unemployment Insurance Code, relating to abstracts of judgments.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1816 of the Unemployment Insurance Code is amended to read:

1816. An abstract of a judgment secured pursuant to this article or a copy thereof may be recorded with the county recorder of any county and from the time of the recording, the amount of the judgment shall constitute a lien upon all the property of the employer in that county, owned or acquired by him during the life of the lien. The lien shall have the force, effect and priority of a judgment lien and shall continue for five years after the last entry of a judgment under this article unless sooner released or otherwise discharged. The lien may, within five years after the last entry of a judgment under this article 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 all the property in such county for five years unless sooner released or otherwise discharged. Execution shall issue upon such a judgment upon request of the director in the same manner as execution may issue upon other judgments and sales shall be held under such execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the director or his authorized agents may act on behalf of the State.

CHAPTER 1633

An act to amend Sections 218 and 219 of the Vehicle Code, relating to fees payable upon registration of vehicles.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 218 of the Vehicle Code is amended to read:

218. Reciprocity Agreements, Arrangements, and Declarations (a) The Reciprocity Commission shall have the power to enter into agreements or arrangements with duly authorized representatives of other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries granting exemption to owners or persons entitled to the possession of or right to operate ve-

Reciprocity agreements, etc

hicles of the type as described in subdivision (a) of Section 215 which are properly registered or licensed or for which fees have been paid in such jurisdictions, and upon which evidence of registration or payment of fees is conspicuously displayed, from the payment, wholly or partially, of any vehicle license, registration, or weight fees imposed under this code and Division 2, Part 5, Revenue and Taxation Code. Such agreements or arrangements shall contain provisions by which owners or persons entitled to the possesison of or right to operate any such vehicles registered or licensed or upon which fees have been paid in this State who operate vehicles of the same type upon the highways of such other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries may receive substantially equivalent exemptions, benefits and privileges, under terms and conditions which, in the commission's judgment, are best calculated to promote the interests of this State, as are extended to such persons or owners of vehicles of the same type from such jurisdictions in this State. It shall be incumbent upon the commission, wherever practicable, to enter into agreements or arrangements for the proportionate registration and licensing of vehicles or payment of fees therefor under the provisions of Section 219.

(b) Agreements or arrangements entered into under the authority herein granted may contain provisions authorizing an owner or owners or persons entitled to the possession of or right to operate vehicles of the type referred to in subdivision (a) of Section 215 who are residents of one of the states, district, territories or possession of the United States or foreign states, provinces or countries which is a party thereto to register or license such vehicles in another jurisdiction which is a party thereto. Vehicles registered or licensed in one of such jurisdictions under such provision shall be exempt from registration or licensing requirements in the other jurisdiction or jurisdictions which are parties thereto and shall be entitled to all exemptions, benefits and privileges granted with respect to other vehicles registered or licensed in such jurisdiction.

(c) Agreements or arrangements entered into under the authority herein granted may contain provisions denying the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the Reciprocity Commission.

(d) The Reciprocity Commission is authorized to examine the legal requirements of motor vehicle registration, license and weight fee statutes of jurisdictions which grant reciprocal privileges to out-of-state owners or persons but which do not authorize negotiation or execution of agreements by administrative officials and it is authorized to determine, by such examination, and to declare the extent and nature of the recip-

rocal exemptions, benefits and privileges to which owners of vehicles of the type as described in subdivision (a) of Section 215 or other persons from such jurisdictions shall be entitled under the laws of this State.

(e) All agreements, arrangements, declarations and rules and regulations authorized by this act shall be in writing and shall be approved by endorsement by Attorney General as to legality only, at which time they will become effective, and shall remain in effect until revoked by act of the commission. Original copies of such agreements, arrangements, declarations and rules and regulations shall be filed in the Office of the Director of Motor Vehicles who shall make copies available to the public upon request.

(f) The commission shall report all of its transactions under this section annually to the Legislature.

SEC. 2. Section 219 of said code is amended to read:

Proportionate registration and licensing

219. Proportionate Registration and Licensing. (a) Any person engaged in operating fleets of three or more vehicles of the type as described in subdivision (a) of Section 215 in this State in interstate commerce, which for the purpose of this section means operation during each year in two or more states, districts, possessions, or territories of the United States, or foreign states, provinces, or countries, may, in lieu of registration of such vehicles under the general provisions of Divisions 3 and 6 of this code and Division 2, Part 5, Revenue and Taxation Code, register and license each such fleet for operation in this State by filing a verified application with the department declaring the total mileage operated with each such fleet of vehicles in all such jurisdictions and the total mileage operated in this State during the preceding calendar year, or a preceding 12-month period as determined by the department, with each such fleet and describing and identifying each vehicle in each fleet to be operated in this State during the ensuing license year. Such application shall also designate a sufficient number of certain vehicles in each fleet to be registered and licensed under Divisions 3 and 6 of this code and Division 2, Part 5, Revenue and Taxation Code, to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as defined in subdivision (b) hereof, as reported in said application, to the fees which would otherwise be required for complete licensing and registration of such fleet in this State or, in the discretion of the department with respect to any fleet, shall, in lieu of the designation of vehicles as heretofore in this section provided, be accompanied by a fee equal to the amount computed as heretofore in this section provided. An application filed pursuant to this section with respect to fees due and payable on or before the next following fourth day of February may be filed with the department on or after November 1st. The department, notwithstanding the provisions of Section 143.5 of this code, shall register and issue a license plate or plates for such designated vehicles and shall issue distinctive stickers or

other suitable devices for each other vehicle named in said application, or if no vehicles are designated when so provided by the department, then for every vehicle described and identified in the application, identifying it as an interstate fleet vehicle which shall be exempt from all further license, registration, and weight fee requirements of this State for any type of movement or operation; provided, that each of such vehicles is properly and duly licensed and registered in some other state, district, possession, or territory of the United States or some foreign province, state or country unless the department determines that such licensing and registration would be contrary to the protection or promotion of the interests of this State. A fee of two dollars ($2) shall be paid for each such sticker or device issued The proportional registration and licensing provisions of this section shall apply to vehicles added to said fleet and operated in this State during the license year. Nonresidents shall be entitled to proportional registration hereunder unless the terms and conditions of any reciprocity agreement, arrangement, or declaration filed in the Office of the Director of Motor Vehicles under the provisions of Section 218 require otherwise.

(b) "Total fleet miles" for the purpose of proration under subdivision (a) includes total fleet miles in this State, in other jurisdictions having proportionate registration and licensing provisions, in jurisdictions with which this State has reciprocity, either under Section 215 or pursuant to a reciprocal agreement, arrangement, or declaration under Section 218, and in such other jurisdictions which the department determines should be included under the circumstances in order to protect or promote the interests of this State.

(c) Mileage proportions for such interstate fleets not operated in this State during the preceding year shall be determined by the department upon verified application on forms to be supplied by the department, upon request, which will show the operations of the preceding year in other jurisdictions and the estimated operation in this State. If no operations were conducted the previous year a full statement of the proposed method of operation shall accompany said application.

(d) Any penalties for delinquency in payment of fees under Section 378 of this code and Section 10854 of the Revenue and Taxation Code shall be computed with respect to the fees required to be paid pursuant to this section if the fleet operator elects to pay fees pursuant to this section.

(e) Any person complying with the provisions of this section shall preserve the records on which the application is based for a period of four full years following the year upon which said application is based and such applicant shall agree to make such records available to the department at its request and at its designated office for audit as to accuracy of computation and payments, or to pay the costs of an audit by the department or its duly appointed representative at the

applicant's home office. If the department determines that the applicant should have registered more vehicles in this State under provisions of this section or paid additional fees, the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, including those for such additional vehicle or vehicles which should have been registered, have been paid. The fees determined to be due and owing under the provisions of this subdivision shall be a lien upon all vehicles of the applicant of a type subject to registration under this code and such lien shall attach at the time the audit report has been mailed to such applicant by the department and shall have the effect of an execution duly levied on such vehicles and shall so remain until said additional fees, so determined, are paid or a sufficient number of such vehicles sold for the payment thereof. At least 10 days prior to any such sale, notice thereof shall be given to any person appearing of record to have an interest in any such vehicle, by registered mail addressed to such person at the address indicated in such record.

(f) Vehicles of the type as described in subdivision (a) of Section 215 of nonresidents subject to registration and not entitled to exemption from registration or licensing under any of the provisions of this code or any agreements, arrangements or declarations made under the provisions of Section 218 may, if properly registered in another state, District of Columbia, territory, country, or province, secure a temporary permit to operate in this State for a period of not to exceed 90 days upon payment of one-tenth of the appropriate fees in Divisions 3 and 6 of this code and Division 2, Part 5, Revenue and Taxation Code applicable thereto for each 30-day period or fraction thereof that such vehicle is to be so operated in this State. Such permit shall be carried in such vehicle at all times while it is being operated in this State.

(g) This section shall become operative with respect to fees due and payable without regard to this section on and after January 1, 1956, but this shall not prevent the department from taking such administrative action prior to such operative date as will facilitate the operation of this section.

(h) The Legislature declares that in enacting this Section 219, it adheres to the principle that each state should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate vehicles should not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed fee type which are not imposed on a basis that reflects the amount of highway use should be apportioned among the states, within limits of practicality, on the basis of vehicle miles traveled within each of the states.

CHAPTER 1634

An act to amend Section 2107.5 of the Streets and Highways Code, relating to engineering expenses for city streets.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 2107.5 of the Streets and Highways Code is amended to read:

Transfer of funds

2107.5. In addition to the amounts transferred pursuant to Section 2107, a sum sufficient to provide for the annual allocation of the following amounts shall be transferred to the State Highway Fund during the month of July of each fiscal year for expenditure exclusively for engineering costs and administrative expenses in respect to city streets:

(a) For each city with a population of over 500,000 inhabitants	$20,000
(b) For each city with a population of 100,000 to 500,000 inhabitants	10,000
(c) For each city with a population of 50,000 to 99,999 inhabitants	7,500
(d) For each city with a population of 25,000 to 49,999 inhabitants	6,000
(e) For each city with a population of 20,000 to 24,999 inhabitants	5,000
(f) For each city with a population of 15,000 to 19,999 inhabitants	4,000
(g) For each city with a population of 10,000 to 14,999 inhabitants	3,000
(h) For each city with a population of 5,000 to 9,999 inhabitants	2,000
(i) For each city with a population of less than 5,000 inhabitants	1,000

For the purpose of this section the population in each city is that which exists on July 1st, of each fiscal year as determined by the last preceding decennial or special federal census. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the annexed territory by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings. Any city incorporated after July 1st, of any fiscal year shall receive the full annual allocation prescribed in this section, such allocation to be made during the

month succeeding the filing or certification of the incorporation by the Secretary of State.

Except as provided in this section, all other provisions of Sections 194 to 202, inclusive, shall be applicable to the expenditure of the amount transferred to the State Highway Fund pursuant to this section.

CHAPTER 1635

An act to repeal Section 9627 of, amend Sections 8726, 8738, 8741, 9507, 9509, and 9635 of, and to add Sections 8573, 8574 and 9627 to, the Health and Safety Code, relating to cemeteries.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 8573 is added to the Health and Safety Code, to read:

8573. Any cemetery authority or its agents who sell, offer for sale, contract to sell, or negotiate the sale of mausoleum crypts before the receipt of a certificate of occupancy as provided for in Sections 9591 and 9592 shall: Mausoleum crypts

(a) Set forth in each contract a specific period of time within which the building or structure shall be completed.

(b) Set forth in each contract that the purchaser has the right of exchange for similar interment property and, in the event completion is not accomplished as set forth in (a) above, except upon the proclamation of a national emergency, guarantee the refund of the purchase price.

(c) Provide adequate financial provision for the construction cost of the mausoleum or the refund of the sales price to the purchaser until such time as a certificate of occupancy has been received.

SEC. 2. Section 8574 is added to said code, to read:

8574. For a violation of any provision of Section 8573, the board may temporarily suspend or permanently revoke the license of any cemetery licensee and may order the reservation or escrowing of assets of the cemetery authority to the extent deemed necessary to satisfy the cost of construction of the structure or building. Penalty

SEC. 3. Section 8726 of said code is amended to read:

8726. The principal of all funds for endowment care shall be invested and the income only may be used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, bylaws, rules and regulations or other actions or instruments of the cemetery authority and for no other purpose. Endowment and special care funds shall be maintained separate and distinct Endowment care fund

from all other funds and the trustees shall keep separate records thereof.

SEC. 4 Section 8738 of said code is amended to read:

Endowment care cemetery

8738 An endowment care cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(a) Sixty-five cents ($0.65) a square foot for each grave;

(b) Ten dollars ($10) for each niche;

(c) Forty dollars ($40) for each crypt; provided, however, that for companion crypts, there shall be deposited forty dollars ($40) for the first crypt and twenty dollars ($20) for each additional crypt

SEC. 5. Section 8741 of said code is amended to read:

Sign

8741. Each endowment care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

(a) A heading containing the words "endowment care"—which shall appear in a minimum of one inch letters.

(b) This is an endowment care interment property.

SEC. 6. Section 9507 of said code is amended to read:

"Uniform Building Code"

9507. "Uniform Building Code" means the 1955 edition of The Uniform Building Code adopted and published by the Pacific Coast Building Officials Conference.

SEC. 7. Section 9509 of said code is amended to read:

"National Electrical Code"

9509. "National Electrical Code" means the 1956 edition of the National Electrical Code adopted and published by the Board of Fire Underwriters of the Pacific.

Repeal

SEC. 8. Section 9627 of said code is repealed.

SEC. 9. Section 9627 is added to said code, to read:

Structural frame work

9627. All structural frame work shall be of poured-in-place reinforced concrete or of structural steel sections encased in poured-in-place concrete; provided, however, all footings, bearing walls, floor slabs and roofs shall be of poured-in-place reinforced concrete only. All structural frame work shall be designed and constructed in accordance with the Uniform Building Code.

SEC. 10. Section 9635 of said code is amended to read:

Crypt seal slabs

9635. All crypt seal slabs shall be of precast concrete, not less than 1½ inches thick, or of asbestos concrete (transite) not less than one-half inch thick. All slabs shall be securely set in cement mortar for permanent sealing after interment is made in the crypt. Seal slabs shall be set independent of crypt fronts.

CHAPTER 1636

An act to amend Sections 9604, 9605, 9677, 9685, 9700, 9701, 9715, 9751, 9752, 9753, 9754, 9755, 9756, 9757, 9757.5, 9759, 9760, 9761, 9762, 9763, 9764, and 9765 of the Business and Professions Code, relating to cemeteries, including, but not limited to, the regulation of cemetery brokers and salesmen and cemetery authorities.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 9604 of the Business and Professions Code is amended to read:

9604. A cemetery broker is a person who, other than in reference to an occasional sale, sells or offers for sale, buys, or offers to buy, lists, leases or offers to lease, or solicits, or negotiates the purchase or sale, lease or exchange of cemetery property or interment services, or interest therein, for his own account or for another. Broker

SEC. 2. Section 9605 of said code is amended to read:

9605. A cemetery salesman is a natural person who, other than in reference to an occasional sale, is employed by a cemetery broker to sell, or offer for sale, list or offer to list, or to buy, or to offer to buy, or to lease, or offer to lease, or to solicit, or to negotiate the purchase or sale or lease or exchange of cemetery property or interment services, or any interest therein, for his own account or for another. Salesman

SEC. 3. Section 9677 of said code is amended to read:

9677. Any act other than an occasional sale of buying or selling, leasing or exchanging cemetery property or interment services of or for another or on his own account, or offering for another or for his own account to buy or sell, lease or exchange cemetery property or interment services, or negotiating the purchase or sale, lease or exchange of cemetery property or interment services, or negotiating the purchase or sale, lease or exchange, or listing or soliciting, or negotiating a loan on or leasing of cemetery property or interment services constitutes the person making such offer, sale or purchase, exchange or lease, or negotiating the loan, or listing or soliciting, a cemetery broker or cemetery salesman. Occasional sale

SEC. 4. Section 9685 of said code is amended to read:

9685. For violation of any of the provisions of Section 9684 the board may temporarily suspend or permanently revoke the license of the cemetery licensee in accordance with the provisions of this act relating to disciplinary proceedings. Violation

SEC. 5. Section 9700 of said code is amended to read:

9700. Application for license as a cemetery broker shall be made in writing on the form prescribed by the board and filed at the principal office of the board. The application shall be accompanied by the original cemetery broker's license fee License Broker

and by the recommendation of two real estate owners of the county in which such applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a cemetery license be granted to him. If the applicant has resided or has engaged in business for less than one year in the county from which the application is made, the application shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during this period of one year prior to the filing of the application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted the applicant.

SEC. 6. Section 9701 of said code is amended to read:

Same Salesman

9701. Application for license as a cemetery salesman shall be made in writing on the form prescribed by the board and filed at the principal office of the board. The application shall be signed by the applicant, and shall be accompanied by the original cemetery salesman's license fee and by the recommendation of the broker who is to be his employer, certifying that the applicant is honest, truthful and of good reputation, and recommending that a cemetery license be granted to the applicant.

SEC. 7. Section 9715 of said code is amended to read:

Same-Certificate of authority

9715. Application for a certificate of authority shall be made in writing on the form prescribed by the board and filed at the principal office of the board. Such application shall be accompanied by the fee provided for in this act and must show that the cemetery authority owns or is actively operating a cemetery in this State which is subject to the provisions of the Cemetery Act or that the applicant is in a position to commence operating a cemetery.

SEC. 8. Section 9751 of said code is amended to read:

Broker's fee

9751. The original cemetery broker's license fee shall be set by the board at not more than one hundred dollars ($100).

SEC. 9. Section 9752 of said code is amended to read:

Time of payment

9752. The original cemetery broker's license fee is payable at the time of the filing of an application for an original cemetery broker's license.

Re-examination

If the applicant fails the required written examination, he may be permitted to take another examination upon the filing of an application for re-examination and the payment of a re-examination fee. This re-examination fee shall be set by the board at not more than twenty-five dollars ($25).

No part of any original cemetery broker's license fee or re-examination fee is refundable. It is deemed earned upon receipt by the board, whether the accompanying application for license is complete or incomplete.

SEC. 10. Section 9753 of said code is amended to read:

Broker's renewal fee

9753. The annual renewal fee for a cemetery broker's license shall be set by the board at not more than seventy-five dollars ($75).

SEC. 11. Section 9754 of said code is amended to read:

Brokerage corporation

9754. If the licensee is a cemetery brokerage corporation, the license issued to it entitles one officer only, on behalf of such corporation, to engage in the business of a cemetery broker without the payment of further fee, such officer to be designated in the application of the corporation for a license. For each other officer of a licensed cemetery brokerage corporation, through whom it engages in the business of a cemetery broker, the annual renewal fee, in addition to the fee paid by the corporation, shall be set by the board at not more than twenty-five dollars ($25).

SEC. 12. Section 9755 of said code is amended to read:

Brokerage partnership

9755. If the licensee is a cemetery brokerage copartnership, the license issued to it entitles one member only of the copartnership to engage on behalf of the copartnership in the business of a cemetery broker, which member shall be designated in the application of the copartnership for a license. For each other member of the copartnership who on behalf of the copartnership engages in the business of a cemetery broker, the annual renewal fee, in addition to the fee paid by the copartnership, shall be set by the board at not more than twenty-five dollars ($25).

SEC. 13. Section 9756 of said code is amended to read:

Original salesman's fee

9756. The original cemetery salesman's license fee shall be set by the board at not more than ten dollars ($10).

SEC. 14. Section 9757 of said code is amended to read:

9757. An original cemetery salesman's license fee is payable on each filing of an application for an original cemetery salesman's license.

Re-examination

If the applicant fails the required written examination, he may be permitted to take another examination upon the filing of an application for re-examination and the payment of a re-examination fee which shall be set by the board at not more than five dollars ($5).

SEC. 15. Section 9757.5 of said code is amended to read:

Temporary salesman's fee

9757.5. The temporary cemetery salesman's license fee shall be set by the board at not more than ten dollars ($10) and shall be payable at the time of each filing of an application for such license.

SEC. 16. Section 9759 of said code is amended to read:

Renewal salesman's fee

9759. The annual renewal fee for a cemetery salesman's license shall be set by the board at not more than ten dollars ($10).

SEC. 17. Section 9760 of said code is amended to read:

Branch office broker's fee

9760. For a branch office broker's license, the fee shall be set by the board at not more than twenty-five dollars ($25).

SEC. 18. Section 9761 of said code is amended to read:

Change of name, etc., fee

9761. For change of name or of address of licensee on the records of the board, the fee shall be set by the board at not more than five dollars ($5).

Transfer of license fee

SEC. 19. Section 9762 of said code is amended to read:

9762. For transfer of a salesman's license on change of employer, the fee shall be set by the board at not more than five dollars ($5).

Duplicate license fee

SEC. 20. Section 9763 of said code is amended to read:

9763. For a duplicate license the fee shall be set by the board at not more than five dollars ($5).

Reinstatement fee

SEC. 21. Section 9764 of said code is amended to read:

9764 For reinstatement of a license within the fiscal year, the fee shall be set by the board at not more than five dollars ($5).

As used in this section, "reinstatement of a license" means the reissuance of a canceled cemetery broker's license, or a cemetery salesman's license which was canceled during the year for which it was issued upon the salesman's withdrawal from the employ of a cemetery broker.

Annual regulatory charge

SEC. 22. Section 9765 of said code is amended to read:

9765. Every cemetery authority operating a cemetery shall pay an annual regulatory charge for each cemetery to be fixed by the board at not more than one hundred dollars ($100), plus an additional charge of not more than fifteen cents ($0.15) per interment made during the preceding full calendar year, which charges shall be deposited in the Cemetery Fund.

CHAPTER 1637

An act to add Section 13078 to the Government Code, relating to the Department of Finance.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 13078 is added to the Government Code, to read:

13078. The director may exempt from his approval or from approval of the department any transactions involving not more than ten thousand dollars ($10,000) for which such approval is required by statute whenever, in his judgment, such exemption is appropriate and in the best interests of the State. Written notice of exemptions shall be given to the Controller.

CHAPTER 1638

An act to amend Sections 11290, 11291, 11292, and 11293 and to repeal Section 13164 of the Government Code, relating to charges to be made for services rendered to state agencies.

In effect September 11 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 11290 of the Government Code is amended to read:

Fixing of cost or pro-rata share

11290. The Department of Finance may fix the cost or pro-rata share, or in its discretion an amount it considers equivalent to such cost or pro-rata share, and collect from each state agency in advance or upon such other basis as it may determine:

(a) The cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the negligent operation of motor vehicles and arising under Section 400 of the Vehicle Code or an amount to be expended by the Department of Finance in accordance with law in paying claims under that section and for their investigation, adjustment, defense and administration.

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the State and used by the state agency in carrying out its work and affairs.

(c) The cost of janitor and maintenance service rendered to such state agency to enable it to carry out its work and affairs

(d) The cost of workmen's compensation insurance and bonds covering the officers and employees of the state agency, and the cost of liability, fire, and other types of insurance or bonds covering officers, employers, and property of the State.

(e) The cost of all other services rendered to the state agency.

SEC. 2. Section 11291 of said code is amended to read:

Claim for charges

11291. If a state agency refuses to pay the charges fixed by the Department of Finance pursuant to this article, the department may file a claim for such charges against any appropriations made for the support or maintenance of all or any part of the work and affairs of the state agency. The Controller shall draw his warrant in accordance with law upon the claim in favor of the Department of Finance

SEC 3. Section 11292 of said code is amended to read:

Accounting

11292. All money received pursuant to paragraphs (a) and (d) of Section 11290, except as provided in Section 11293, shall be accounted for to the Controller at the close of each month and on order of the Controller be paid into the Treasury and credited to the appropriation from which the cost of such services was paid

SEC 4. Section 11293 of said code is amended to read:

Recoveries of costs

11293. All money received by the Department of Finance pursuant to paragraph (b) of Section 11290 that represents recoveries of cost other than normal maintenance expense as determined by the Department of Finance shall be accounted for to the Controller and, on order of the Controller, be paid into the Treasury and credited as General Fund revenue.

Repeal

SEC. 5. Section 13164 of said code is repealed.

Operative date

SEC. 6. This act shall become operative on July 1, 1958.

CHAPTER 1639

An act to amend Section 15862 of the Government Code, relating to the acquisition of property by the State Public Works Board.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 15862 of the Government Code is amended to read:

15862. When real property is acquired by the State pursuant to this part, and until such property is needed for the purpose for which acquired, the jurisdiction over such property is in the Department of Finance. The Director of Finance may transfer jurisdiction of said property to the agency for whose use it was acquired before it is needed for the purpose for which acquired if in his opinion such transfer is in the best interests of the State. The department may lease all or any portion of the property which is not presently needed on such terms and conditions as the director may fix and may maintain, improve, and care for such property in order to secure rent therefrom. The department may remove or demolish buildings or other structures on the property when it is desirable to do so. It may sell or dispose of the improvements or any materials available upon the demolishing of any building or structure on the property.

CHAPTER 1640

An act to amend Section 1752.8 of, and to repeal Section 1014 of, the Welfare and Institutions Code, relating to deposit or investment of funds of inmates of Youth Authority facilities.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1752.8 of the Welfare and Institutions Code is amended to read:

Deposit or investment of funds

1752.8. The Director of the Youth Authority may deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of Finance, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of

deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The director may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. The director may expend the moneys of any such fund for the education or entertainment of the inmates of any or all of the facilities of the Youth Authority.

SEC. 2. Section 1014 of said code is repealed. Repeal

CHAPTER 1641

An act to amend Section 165 of the Welfare and Institutions Code, relating to deposit or investment of funds of inmates.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 165 of the Welfare and Institutions Code is amended to read:

165. The superintendent of any state institution under the jurisdiction of the Department of Mental Hygiene may deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of Finance, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The superintendent may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. He may expend the moneys in any such fund for the education or entertainment of the inmates of the institution.

CHAPTER 1642

An act to amend Sections 1480, 1504, and 11007.7, and to repeal Section 12303 of the Government Code, relating to state official bonds and insurance.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1480 of the Government Code is amended to read:

1480. Every officer, agent or employee not required by statute to give an official bond may be required to give an Individual official bond

individual official bond, or other form of individual bond, in the amount to be fixed by the appointing power and such bond shall inure to the benefit of the appointing power, state, county or municipality, by whom such officer, employee, or agent is employed as well as the officer under whom the employee or agent serves.

The appointing power shall obtain the approval of the Department of Finance before requiring any state officer, employee, or agent to give an individual bond pursuant to this section, and before including the name or position or office of any such officer, employee, or agent in a master bond as provided in Section 1481.

SEC. 2. Section 1504 of said code is amended to read:

Obligation of principals and sureties

1504. Every official bond executed by any officer pursuant to law is in force and obligatory upon the principal and sureties therein for:

(a) Any and all breaches of the conditions thereof committed during the time such officer continues to discharge any of the duties of or hold the office, and whether such breaches are committed or suffered by the principal officer, his deputy, or clerk except that no officer of a county, city, or city and county, whose sole compensation by virtue of his office is a fixed salary established by the Legislature, the local governing body, or the board of supervisors, shall be personally liable for the negligent act or omission of any deputy or employee serving under him and performing the duties of his office, where the appointment or qualification of such deputy or employee is required to be and has been approved by the local governing body or the board of supervisors, or by the civil service commission, unless the officer failed to exercise due care in the selection appointment or supervision of such deputy or employee, or negligently failed to suspend or secure the discharge of such deputy or employee after knowledge or notice of his inefficiency or incompetency, and except that no state officer shall be personally liable for the negligent act or omission of any deputy or employee serving under him and performing the duties of his office, where the appointment or qualification of such deputy or employee is required to be and has been approved by the State Personnel Board, unless such officer failed to exercise due care in the selection, appointment, or supervision of such deputy or employee, or negligently failed to suspend or secure the discharge of such deputy or employee after knowledge or notice of his inefficiency or incompetency.

Nothing in this section shall be interpreted as placing any liability upon the principal officer for the act of a deputy or employee unless such liability is otherwise imposed upon the principal officer by law, nor shall this section be construed or interpreted as releasing or relieving any such county, city, or city and county of any liability for the negligent act or omission of any such deputy or employee otherwise imposed by law.

(b) The faithful discharge of all duties which may be required of such officer by any law enacted subsequently to the execution of the bond. Subsequent duties

SEC. 3. Section 11007.7 of said code is amended to read:

11007.7. The procurement of insurance or official bonds by any state agency shall be subject to approval of the Department of Finance. Any such procurement may, upon request of the state agency concerned, be made by the Department of Finance on behalf of such agency. Procurement of insurance or official bonds

Whenever the procurement of insurance or official bonds for or on behalf of the State is authorized by law and no state agency is specifically authorized to purchase such insurance or official bonds, the Department of Finance may procure such insurance or official bonds.

This section shall not apply to (a) insurance procured by the Department of Public Works or the California Toll Bridge Authority under Sections 100.7 and 30450 to 30453, inclusive, Streets and Highways Code; (b) workmen's compensation insurance procured under Section 11870, Insurance Code; (c) insurance procured by the Department of Veterans Affairs under Division 4 of the Military and Veterans Code.

SEC. 4. Section 12303 of said code is repealed. Repeal

CHAPTER 1643

An act to amend Section 5008 of the Penal Code, relating to deposit or investment of funds of inmates.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 5008 of the Penal Code is amended to read:

5008. The Director of Corrections may deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of Finance, may deposit such funds in interest-bearing bank accounts or invest or reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The director shall deposit the interest or increment accruing on such funds in the Inmates' Welfare Fund.

CHAPTER 1644

An act to amend Section 11263 of the Government Code, relating to interagency services and transactions.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 11263 of the Government Code is amended to read:

11263. As used herein, the term "state agency" or "state agencies" includes the Department of Finance and any and all organizational units, parts and subdivisions of state agencies as defined in Section 11000 of the Government Code.

CHAPTER 1645

An act to add Section 2710 to the Penal Code, relating to disposition of surplus products of industrial enterprises.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 2710 is added to the Penal Code, to read:

2710. To prevent loss to the State, the Director of Corrections may, under rules prescribed by the Director of Finance, dispose of surplus products developed from the operations of industrial enterprises in prisons and institutions under the jurisdiction of the Director of Corrections by sale to foreign governments, corporations for distribution in foreign countries, and private persons or their agents in markets outside the United States and in countries which permit the importation of prison-made goods. All sales made pursuant to this section shall be reported quarterly to the Correctional Industries Commission.

CHAPTER 1646

An act to add Chapter 10, comprising Sections 6300 to 6304, inclusive, to Title 7, Part 3 of the Penal Code, and to amend Section 5404 of the Welfare and Institutions Code, relating to establishment of regional jail camps and commitment thereto.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Chapter 10, comprising Sections 6300 to 6304, inclusive, is added to Title 7, Part 3 of the Penal Code, to read:

CHAPTER 10. REGIONAL JAIL CAMPS

Regional jail camps

6300. The Department of Corrections is authorized to establish and operate regional jail camps.

Purpose

6301. The primary purpose of such camps shall be the confinement, treatment, and care of persons sentenced to long jail terms, including persons so imprisoned as a condition of probation, and persons committed for treatment as alcoholics pursuant to Section 5404 of the Welfare and Institutions Code.

Rules

6302. The Director of Corrections shall make rules and regulations governing eligibility for commitment or transfer to such camps and rules and regulations for the government of such camps. Subject to the rules and regulations of the Director of Corrections, and if there is in effect for the county a contract entered into pursuant to Section 6303, a county prisoner may be committed to a regional jail camp in lieu of commitment to a county jail or other county detention facility.

Contracts with counties

6303. (a) The director may enter into a contract, with the approval of the Director of Finance, with any county of the State, upon the request of the board of supervisors thereof, wherein the Director of Corrections agrees to furnish confinement, care, treatment, and employment of county prisoners. 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.

(b) The Department of Corrections shall accept such county prisoner if it believes that the prisoner can be materially benefited by such confinement, care, treatment, and employment, and if adequate facilities to provide such care are available. 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 transmitted and the time at which he can be received.

(c) The sheriff of the county in which such an order is made placing a misdemeanant in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court. The expense of such sheriff or peace officer incurred in executing such order is a charge upon the county in which the court is situated.

Return of person

6304. The Director of Corrections may return to the committing authority any person committed transferred to a

regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp

SEC. 2. Section 5404 of the Welfare and Institutions Code is amended to read:

Order of commitment

5404 If the judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of habit forming drugs, as provided in this article, as to have lost the power of self-control, or is subject to dipsomania or inebriety in such a degree as to require custodial care and treatment, he shall make an order that the person be committed to the Department of Mental Hygiene for placement in a hospital for the care and treatment of the mentally ill designated in such order, or that such person be confined in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail

The reasonable cost of maintenance of a person committed under the provisions of this section to an industrial farm or industrial road camp or a branch of a county jail, in a sum to be fixed by the court at the time of the commitment, shall be a charge against the person committed, or if such person be indigent against his relatives liable for his maintenance.

At the hearing the court shall inquire into the financial condition of the person committed and of the relatives liable for his maintenance If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the commitment, to the extent the judge considers just, the expense of the proceedings in connection with his commitment, and to pay to the county maintaining the institution if the commitment be to an industrial farm or road camp or branch of the county jail, such sums as the court deems proper during such time as the person committed remains in the industrial farm or road camp or branch of the county jail.

The county auditor shall keep a record of such payments ordered to be made to the county, and shall receive, receipt for and record such payments made, pay over such payments to the county treasurer, see that the persons ordered to make such payments comply with such orders, and report to the court any failure on the part of such persons to make such payments

Responsibility for cost of maintenance of persons confined in Department of Corrections regional jail camps shall be governed by the laws relating to such institutions and regulations of the Department of Corrections issued thereunder.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute

or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

CHAPTER 1647

An act to amend Section 1 of Chapter 1687 of the Statutes of 1955, relating to the authority of the State Public Works Board.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1 of Chapter 1687 of the Statutes of 1955 is amended to read:

Section 1. The State Public Works Board, after approval of preliminary plans under the procedure provided by Section 5 of the Budget Act of 1955, is authorized to acquire real property and construct state office and garage buildings, under the provisions of the State Building Construction Act of 1955, and to finance the same by the issuance of either certificates or revenue bonds pursuant to said act, as follows, not to exceed in cost the amounts set forth except as hereinafter provided:

In the City of Los Angeles construct a state office building ten million four hundred ninety-eight thousand eight hundred eighteen dollars ($10,498,818); in the City of San Francisco construct a state office building seven million nine hundred sixty-two thousand eight hundred dollars ($7,962,800) in the City of Fresno construct a state office building three million six hundred fifty-eight thousand dollars ($3,658,000); in the City of Oakland construct a state office building four million four hundred seventy-four thousand eight hundred dollars ($4,474,800); in the City of San Jose construct a state office building two million five hundred seventy-seven thousand three hundred dollars ($2,577,300); and in the City of San Diego construct a state office building and garage four million ninety-three thousand two hundred dollars ($4,093,200); and an additional amount of one million dollars ($1,000,000) to augment the amounts hereinabove provided for the respective buildings.

Any unneeded balance in the amount herein specifically provided for any building and all or any part of the amount herein specifically provided for augmentation, as determined by the State Public Works Board, may be used to augment the amount provided for any building where construction cannot be undertaken because the estimate exceeds the amount available for such building or because bids received are in excess of the estimate, and upon such augmentation contracts may be awarded therefor notwithstanding the provisions of Section 14275 of the Government Code.

SEC. 2. The amendment set forth in Section 1 of this act shall not be construed to constitute a new authorization to construct public buildings within the meaning of Section 15818 of the Government Code.

CHAPTER 1648

An act to amend Sections 4901, 4902, 4906, 4911, 4927, 4928, 4929, 4930, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4949, and 4951 of, to add Sections 4918, 4952, and 4953 to, to repeal Article 4 (commencing with Section 4961) of Chapter 10 of Division 4 of, and to add Article 4 (commencing with Section 4961) to Chapter 10 of Division 4 of, the Public Resources Code, relating to forest practices.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 4901 of the Public Resources Code is amended to read:

Short title and purpose

4901. This chapter may be known as the Forest Practice Act. The purpose of this chapter is to declare the existence of a public interest in the forest resources and timberlands of this State; to declare the necessity of good forest practices in the harvesting of forest resources to conserve and maintain the productivity of the timberlands in the interests of the economic welfare of the State and the continuance of the forest industry; to establish forest districts in which standards of forest practice shall be adopted to promote the maximum sustained productivity of the forests; to authorize the creation of district forest practice committees which shall formulate and adopt forest practice rules, and approve forest management and alternate plans for final approval of the State Board of Forestry; to specify the manner in which forest practice rules and plans shall be administered; and to provide for the functioning of the district forest practice committees in an advisory capacity to the State Board of Forestry.

The public interest is affected by the management of forests, timberlands, watersheds and soil resources of the State, and it is the policy of this State to encourage, promote and require such development, use, and management of forests and timberlands as will maintain the continuous production of forest products, to the end that adequate supplies of forest products are assured for the needs of the people and industries. It is the policy of this State to encourage and assist private ownership in the management and economic development of privately owned timberlands.

SEC. 2. Section 4902 of said code is amended to read:

Administration

4902. The State Forester, acting in accordance with the policies adopted by the State Board of Forestry and under the supervision and direction of the Director of Natural

Resources, shall administer this chapter, and may exercise all powers necessary to accomplish its purposes and intent, including entering and inspecting lands subject to provisions of this chapter.

SEC. 3. Section 4906 of said code is amended to read:

4906. "Person" means any individual, copartnership, corporation, or association. "Person"

SEC. 4. Section 4911 of said code is amended to read:

4911. "Timber operations" means the cutting or removal or both of timber or other forest products from timberlands for commercial purposes. "Timber operations"

SEC. 4.5. Section 4918 is added to said code, to read:

4918. This chapter does not apply to any person who engages in the activities herein regulated, as an employee with wages as his sole compensation. Limitation

SEC. 5. Section 4927 of said code is amended to read:

4927. The Redwood Forest District comprises the area situated between the Pacific Ocean and the eastern edge of the natural occurrence of redwood timber in the Counties of Del Norte, Humboldt, Mendocino, Napa, Sonoma, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Monterey. The Board of Forestry may by rule declare the eastern edge of the natural occurrence of redwood timber and so fix the eastern boundary of such district. Redwood Forest District

SEC. 6. Section 4928 of said code is amended to read:

4928. The North Sierra Pine Forest District comprises the area bounded on the north by the State of Oregon, on the east by the State of Nevada, on the south by a line drawn from the confluence of the Sacramento River and Feather River, thence northerly along the Feather River to the confluence of the Feather River and the Bear River, thence easterly along the Bear River to the boundary of the County of Nevada, thence easterly along the south boundary of the County of Nevada to the State of Nevada, and on the west by a line beginning at the confluence of the Sacramento River and the Feather River, thence northerly along the Sacramento River to its confluence with Wagon Creek, thence northerly along Wagon Creek to the Range line between Range 4 West and 5 West, Mt. Diablo Base and Meridian, thence north along said Range line to the Township line between Township 41 North and 42 North, Mt. Diablo Base and Meridian, thence west along said Township line to the Shasta River, thence northerly along the Shasta River to its confluence with the Klamath River, thence northerly along the Klamath River to its confluence with Cottonwood Creek, thence northerly along the main Cottonwood Creek to the State of Oregon. North Sierra Pine Forest District

SEC. 7. Section 4929 of said code is amended to read:

4929. The South Sierra Pine Forest District comprises the area bounded on the north by the south boundary of the North Sierra Pine Forest District, on the east by the State of Nevada and the State of Arizona, on the south by the southern boundary of the State of California, and on the South Sierra Pine Forest District

west by a line beginning at the confluence of the Sacramento River and the Feather River, thence southerly and westerly along the Sacramento River to San Francisco Bay and the eastern boundary of the Redwood Forest District, thence southerly along said boundary to the boundary between the County of Monterey and the County of San Luis Obispo, thence west along said county boundary to the Pacific Ocean, thence southerly along the shore of the Pacific Ocean to the southern boundary of the State of California.

SEC. 8. Section 4930 of said code is amended to read:

Coast Range Pine and Fir Forest District

4930. The Coast Range Pine and Fir Forest District comprises the area bounded on the north by the State of Oregon, on the east by the west boundary of the North Sierra Pine Forest District and a line beginning at the confluence of the Sacramento River and Feather River, thence southerly along the Sacramento River to its confluence with the San Joaquin River, on the south by a line beginning at the confluence of the Sacramento River and the San Joaquin River, thence southerly and westerly along the Sacramento River to San Francisco Bay and the eastern boundary of the Redwood Forest District, and on the west by the east boundary of the Redwood Forest District.

SEC. 9. Section 4940 of said code is amended to read:

Committee advice

4940. The committee shall advise and assist the board and the forest industry in the establishment of forest conservation practices on privately owned land. In advising and assisting the board, the committee shall not interfere with any of the powers and duties of the board.

SEC. 10. Section 4941 of said code is amended to read:

Forest practice rules

4941. Each committee shall formulate forest practice rules for the district to fulfill the purposes of this chapter. The rules shall apply to old growth and young growth timber and shall include measures for fire prevention and control, for protection against timber operations which unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests and disease, and measures for the restocking of the land.

SEC. 11. Section 4942 of said code is amended to read:

Approval of rules

4942. After notice of hearing published once in a newspaper of general circulation in the district and after hearing by the committee, the committee shall submit the rules to the private timber owners within the district for approval. If the rules are approved by two-thirds of the private timber ownership voting in the district, the percentage to be measured by the acreage of timber and cutover land privately owned in the district, they shall be submitted to the board.

SEC. 12. Section 4943 of said code is amended to read:

Voting

4943 For the purpose of balloting on the approval or disapproval of the rules, the private timber owners within the district shall be deemed to be the owners of record appearing on the current assessment roll of the county in which the timberlands are situated. The proposed rules and ballots shall be

sent by registered or certified mail to the owners of record to the address of record upon the assessment rolls. All ballots upon the proposed rules shall be returned to the State Forester within 60 days from the date of mailing to the owners. The State Forester shall complete the counting of the ballots within 70 days after the date of mailing. All timber acreage not voted on the ballots received within the specified time shall be excluded from the total timberland acreage of the district in determining the percentage of the approval or disapproval of the rules. Where the ownership of timberlands is of record as being owned by more than one person, company, or corporation, the percentage of acreage in such multiple ownership shall be apportioned in such percentages as the percentage appears upon the assessment rolls of the counties in the district. If the multiple ownership is divided into separate ownership of land and timber or land and timber rights, the owners of record of the land and timber shall be deemed to hold the right of vote of one-half of the total land acreage involved for land ownership and one-half of the total land acreage involved for timber ownership.

SEC. 13. Section 4944 of said code is amended to read:

Forest management plans

4944. The committee may receive and approve forest management plans submitted by timber owners or timber operators with approval of the timber owner as a more efficient substitute for the rules of the district.

SEC. 14. Section 4945 of said code is amended to read:

Alternate plans

4945. The committee may receive and approve alternate plans submitted by timber owners or timber operators with approval of the timber owner as an alternate to any requirement of the rules of the district, if the alternate plan, in the opinion of the committee, will accomplish greater silvicultural or protectional management of the lands than is provided for by the district rules

SEC. 15 Section 4946 of said code is amended to read:

Approval

4946. If, in the opinion of the board, the forest practice rules, forest management plans, and alternate plans are within the purposes and intent of this chapter, they shall be approved by the board; provided, however, that no rule, forest management plan, or alternate plan made hereunder shall relieve any person from compliance with other existing statutes relating to water pollution, obstruction of streams, erection of dams, fish ladders, or fish screens.

Disapproval

If any rules are disapproved by the board, they shall be returned to the committee with recommendations for amendments.

If the board finds that a forest management plan or an alternate plan submitted for approval is inadequate, it shall return such plan to the committee and the timber owner or timber operator who submitted it, for concurrence in suggested amendments which will fulfill the purposes and intent of this chapter

Resubmission of such rules or plans in amended form may be made after repetition of the entire original procedure.

SEC. 16. Section 4947 of said code is amended to read:

Approved plans

4947. Forest practice rules, forest management plans, and alternate plans, approved by the board, have the force of law within the district in which the rules originated. Except as otherwise provided in this section, timber operators in the district shall comply with the rules. Where a forest management plan is in effect, the timber operator is subject only to compliance with the forest practices which are a part of the forest management plan. Where an alternate plan is in effect, the timber operator is subject to compliance with the rules as modified by the alternate plan.

Where satisfactory proof is given that the timberlands being cut, or to be cut, are to be devoted, in a bona fide manner, to other than a timber growing use, owners and persons operating thereon may cut and remove any and all trees regardless of diameter but shall otherwise comply with the forest practice rules.

SEC. 17. Section 4949 of said code is amended to read:

Notice of approval of amendments

4949. Before such action by the board, the full text of the proposed amendments shall be published in a newspaper of general circulation in each county of the respective district twice at intervals of not less than one week and not more than 30 days. The board may thereafter, at a regular meeting, declare the amendments in effect, and they shall remain in effect unless a petition by not less than 25 timber owners in the applicable district is filed with the board within 30 days following such declaration by the board; and in that event the amendments shall be submitted to the timber owners in the applicable district for approval under the procedure provided in Section 4942 without additional publication.

SEC. 18. Section 4951 of said code is amended to read:

Expenses

4951. Expenses incurred in the administration of this chapter shall be paid from the support appropriation of the Division of Forestry.

SEC. 19. Section 4952 is added to said code, to read:

Personal service

4952. Where under this chapter other forms of service are prescribed, personal service shall not be precluded.

SEC. 20. Section 4953 is added to said code, to read:

Presumption of validity

4953. Rules, plans and amendments, once approved, are prima facie presumed valid, are special provisions for, and exclusively regulate timber operations. Rules, plans and amendments previously approved and now in effect are hereby validated, confirmed, and continued in effect until amended, modified or repealed in the manner herein provided.

Revocation

The board may revoke or repeal rules and amendments thereto with the consent of the forest practice committee of the applicable district. The board may revoke forest management plans or alternate plans with the consent of the forest practice committee of the district and the timber owner or timber operator whose operations and practices are being con-

ducted under such plans. Upon certification by the State Forester that such timber owner or operator cannot be found the board with the consent of the applicable forest practice committee may revoke such plans.

SEC. 21. Article 4 of Chapter 10 of Division 4 of said code (commencing with Section 4961) is repealed. Repeal

SEC. 22. Article 4 (commencing with Section 4961) is added to Chapter 10 of Division 4 of said code, to read:

Article 4. Permits

4961. Any person who engages in timber operations or conspires with another to engage in timber operations, as defined in this chapter, without a valid permit to do so from the State Forester is guilty of a misdemeanor. Penalty

4962. All timber owners upon whose holdings timber operations are proposed, shall notify the State Forester of the proposed timber operations and their location. In the notice, the timber owner shall state the name and address of the timber operator who will engage in the timber operation. The location of the proposed timber operations shall be given by a legal subdivision description or in such a manner as to enable the State Forester to locate it on the ground. Notice of timber operations

4963. Every timber operator shall apply to the State Forester for a permit to engage in timber operations. The application shall contain information as to identity of applicant, location of timber operations within this State during the immediate past year and proposed timber operations, name and address of the timber owner, name and address of applicant's principal officer on whom notice may be served if a corporation or a partnership, and authorization from the applicant permitting the State Forester or his agent to enter and inspect such operations. The State Forester may require an applicant not resident in this State to designate a resident agent for service of notices and papers. Timber operations not contemplated in such application shall not be undertaken without prior additional notice to the State Forester. The location of the timber operations shall be given by a legal subdivision description or in such a manner as to enable the State Forester to locate it on the ground. Permit application

4964. Upon receipt of such application the State Forester shall issue a permit, but the State Forester may deny a permit for some, any, or all of the following reasons, but not for acts or omissions prior to the effective date of this act: Permit denial

(a) Where the applicant is not the real person in interest:

(b) Material misrepresentation or false statement in the application:

(c) Conviction within one year of the application of unlawfully operating without a permit.

4965. Within 30 days after receipt of notice of denial, sent by the State Forester by registered or certified mail to the applicant's last address of record, the applicant may file with Statement of issues

the State Forester a request for statement of issues, but such request shall not be deemed an answer to the statement of issues, a request for a hearing, or a notice of defense Unless within 30 days after the timely filing of such request the State Forester files a statement of issues thereon with the director, the permit shall be granted.

Reapplication

4966. When a statement of issues has been so filed, the director may order denial pursuant to Chapter 5 (commencing at Section 11500), Part 1, Division 3, Title 2 of the Government Code. Reapplication may be made after 60 days from date of denial.

Annual notice

4967. The holder of a permit shall annually within the month of January file with the State Forester an annual notice of timber operations. Such notice shall contain information as to the location of proposed timber operations in the current calendar year, and shall contain such other information as in an original application. Where timber operations for the current calendar year are not known or are not contemplated, the annual notice shall be, nevertheless, given and so state. Timber operations not contemplated in the annual notice shall not be undertaken without prior additional notice to the State Forester.

Conditions of permit

4968. A permit is subject to future legislation. It is not transferable. It may be deemed expired if annual notice of operations is not timely filed and if the State Forester has sent to the permittee notice of such expiration and filed in his office proof thereof by affidavit of service by ordinary mail. The permit, or a copy thereof, shall be available for inspection at all times in the area in which operations are being conducted. Timber operator's permits previously issued and now in effect are continued in effect and continue to be, and are, subject to revocation or suspension for acts and omissions prior to the effective date of this act as though the act had not been passed as well as for acts and omissions after the effective date of this act as in the case of new permits issued hereunder, but shall expire at the end of the current calendar year, after which the holder may apply for a new permit under this chapter; provided, however, that within six months after the issuance of such new permit, such new permit may be suspended or revoked not only for those acts and omissions after the effective date of this act which would have been ground for suspension or revocation of the continued permit if it had not expired but also for those acts and omissions which are under this chapter ground for suspension or revocation of a permit; and provided further, that after said six months such new permit may be suspended or revoked as other permits.

Suspension or revocation

4969. A permit may be suspended or revoked by the director pursuant to Chapter 5 (commencing at Section 11500), Part 1, Division 3, Title 2 of the Government Code for some, any, or all of the following reasons:

(a) Failure or refusal to comply with the forest practice rules.

(b) Failure or refusal to comply with an applicable forest management plan.

(c) Failure or refusal to comply with an applicable alternate plan.

(d) Material misrepresentation or false statement in the application.

(e) Material misrepresentation or false statement in any required notice.

(f) Where the applicant is not the real person in interest.

(g) Failure or refusal to file the annual notice of operations or other notices required under this chapter.

(h) Refusal to allow inspection by the State Forester.

Prior acts or omissions

4970. The director may not, except as otherwise provided in Section 4968, suspend or revoke for acts or omissions committed prior to this act or more than three years prior to filing, except where there has been material misrepresentation or false statement in an application or where the applicant is not the real person in interest.

Proceeding to suspend or revoke

4971. A proceeding to suspend or revoke for failure or refusal to comply with forest practice rules, with a forest management plan, or with an alternate plan may not be commenced unless prior to filing the permittee has been given notice in writing by registered or certified mail to his last address of record, such notice to state in what respects he has not complied, and unless the permittee has been given a reasonable time to comply.

Order of suspension or revocation

4972. An order of suspension or revocation is final when made. Suspension may not exceed one year from date of order. After one year from date of revocation, unless sooner remitted as in this section provided, an application may be made for a new permit. On petition of respondent once within one year after date of suspension or revocation and on showing of change of conditions which led to suspension or revocation, the director may remit all, or any part of, the unexecuted portion of the penalty.

CHAPTER 1649

An act to add Section 6707 to the Government Code, relating to the time for filing documents or instruments with state agencies.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6707 is added to the Government Code, to read:

6707. When the last day for filing any instrument or other document with a state agency falls upon a Saturday or holiday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

CHAPTER 1650

An act to add Section 1193.2 to the Code of Civil Procedure, relating to mechanics' liens.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1193.2 is added to the Code of Civil Procedure, to read:

1193.2. If the owner of the property sought to be charged with a claim of lien as provided in Section 1193.1 of this chapter disputes the correctness or validity of such claim of lien, he may record, either before or after the commencement of an action to enforce such claim of lien, in the office of the county recorder in which such claim of lien was recorded a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-half times the amount of the claim, or, if such claim of lien affects more than one parcel of real property, then one and one-half times the amount allocated to the parcel or parcels in the claim of lien, which bond shall guarantee the payment of any sum which the claimant may recover on the claim together with his costs of suit in the action, if he recovers therein; if the owner records such bond, then the real property described in such bond shall be freed from the effect of such claim of lien and any action brought to foreclose such lien.

CHAPTER 1651

An act to amend Sections 21402, 21403, and 21666 of the Public Utilities Code, relating to aeronautics.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 21402 of the Public Utilities Code is amended to read:

Air space

21402. The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

SEC. 2. Section 21403 of said code is amended to read:

Lawful flight

21403. (a) Flight in aircraft over the land and waters of this State is lawful, unless at altitudes below those prescribed

by federal authority, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his consent, is unlawful except in the case of a forced landing. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of the Technical Standard Order of the Civil Aeronautics Administration of the Department of Commerce designated TSO-N18

SEC 3. Section 21666 of said code is amended to read:

21666. The commission shall grant approval of an airport site and issue an airport permit, with reasonable dispatch, if it is satisfied that all of the following requirements have been met: Airport permit

(a) The site is adequate for the proposed airport. Any site shall be deemed adequate which meets or exceeds the minimum airport standards approved or recommended by the Federal Government.

(b) The proposed airport, if constructed or established, will conform to minimum standards of safety.

(c) Safe air traffic patterns have been worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity

(d) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, and is available for public inspection

The commission may grant approval of a site subject to any reasonable conditions which it deems necessary to effectuate the purposes of this article.

CHAPTER 1652

An act to amend Section 28128 of the Government Code, relating to compensation for public services in counties of the twenty-eighth class.

[Approved by Governor July 4, 1957 Filed with Secretary of State July 8, 1957] In effect September 11, 1957

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

SECTION 1. Section 28128 of the Government Code is amended to read:

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, seven thousand four hundred dollars ($7,400) a year.

(b) The district attorney, twelve thousand dollars ($12,000) 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 six thousand dollars ($6,000) 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 1653

An act to amend Sections 413, 414, 415, 418.3, 420 and 422.6 of the Vehicle Code, relating to proof of ability to respond in damages.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 413 of the Vehicle Code is amended to read:

Judgment deemed satisfied

413. When Judgment Deemed Satisfied. Every such judgment shall for the purposes of this chapter be deemed satisfied

(a) When ten thousand dollars ($10,000) has been credited, upon any judgment in excess of that amount, or upon all judg-

ments, collectively, which together total in excess of that amount, for personal injury to or death of one person as a result of any one accident.

(b) When, subject to said limit of ten thousand dollars ($10,000) as to one person, the sum of twenty thousand dollars ($20,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of more than one person as a result of any one accident.

(c) When five thousand dollars ($5,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, each of which is in excess of one hundred dollars ($100), and which together total in excess of five thousand dollars ($5,000), for damage to property of others as a result of any one accident.

SEC. 2. Section 414 of said code is amended to read:

Ability to respond in damages

414. Proof of Ability to Respond in Damages Proof of ability to respond in damages when required by this code means proof of ability to respond in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to, or death of, any one person, of at least ten thousand dollars ($10,000), and, subject to the limit of ten thousand dollars ($10,000) for each person injured or killed, of at least twenty thousand dollars ($20,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property (in excess of one hundred dollars ($100)), of at least five thousand dollars ($5,000) resulting from any one accident. Such proof of ability to respond in damages may be given in any manner hereinbelow authorized.

(a) Proof of ability to respond in damages may be given by the written certificate or certificates of any insurance carrier duly authorized to do business within the State, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies as defined in Section 415, which, at the date of said certificate or certificates, is in full force and effect, and designated therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The department shall not accept any certificate or certificates unless the same cover all motor vehicles registered in the name of the person furnishing such proof, except that this provision shall not apply to vehicles in storage; provided, the current license plates and registration cards are surrendered to the Department of Motor Vehicles in Sacramento Additional certificates shall be required to furnish such proof. Said certificate or certificates shall certify that the motor vehicle liability policy or policies therein cited shall not be canceled except upon 10 days' prior written notice to the department.

(b) Proof of ability to respond in damages may be given by the bond of a surety company duly authorized to do business within the State, or a bond of individual sureties each owning unencumbered real estate, approved by a judge of a court of record. Such bond shall be conditioned for the payment of the amount specified in this section, and shall provide for the entry of judgment on motion of the State in favor of any holder of any final judgment on account of damages to property over one hundred dollars ($100) in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in Section 942 of the Code of Civil Procedure for the entry of judgment upon appeal bonds.

(c) Proof of ability to respond in damages may be given by the deposit with the department by such person of twenty-five thousand dollars ($25,000) which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section. The department shall not accept a deposit of money where any judgment or judgments theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle shall not have been paid in full

Money heretofore deposited with the State Treasurer for the purposes set forth in this section shall be paid to the department by the State Treasurer for deposit with the State Controller for the purposes of this section.

(d) Proof of ability to respond in damages may be given by the written certification of a self-insurer holding a certificate of self-insurance for bodily injury and property damage issued by the department under Section 422.4.

Such certification shall name the employee in whose behalf it is filed and shall bind the self-insurer in a like manner and to the same amounts as provided for elsewhere in this section for damages arising from the operation of a motor vehicle by such employee within the scope of his employment by the self-insurer. In such case, the department shall restrict any operator's or chauffeur's license issued to such employee to the operation of motor vehicles owned by the self-insurer within the scope of his employment by the self-insurer.

Such certification shall be canceled upon 10 days' prior written notice to the department by the self-insurer.

SEC. 3. Section 415 of said code is amended to read:

Motor vehicle liability policy

415. Requisites of Motor Vehicle Liability Policy. (a) A "motor vehicle liability policy," as used in this code means a policy of liability insurance issued by an insurance carrier authorized to transact such business in this State to or for the benefit of the person named therein as assured, which policy shall meet the following requirements:

(1) Such policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) Such policy shall insure the person named therein and any other person using or responsible for the use of said motor vehicle or motor vehicles with the express or implied permission of said assured.

(3) Such policy shall insure every said person on account of the maintenance, use or operation of every motor vehicle therein covered within the continental limits of the United States against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of ten thousand dollars ($10,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars ($20,000) for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

(b) Such policy shall:

(1) Cover the assured in the use or operation of all vehicles owned by him or registered in his name but not insuring such person when operating any motor vehicle not owned by him, or

(2) Cover the assured in the use or operation of all vehicles owned by him or registered in his name and insure such person in the operation of any motor vehicle not owned or registered in his name, or

(3) Cover the assured only in the operation of any motor vehicle not owned by him nor registered in his name, or

(4) Cover the assured only in the operation of a certain vehicle or vehicles not owned by him nor registered in his name.

(c) Any such policy may grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this code and not otherwise contrary to law.

(d) Any liability policy issued hereunder need not cover any liability for injury to the assured or any liability of the assured assumed by or imposed upon said assured under any workmen's compensation law nor any liability for damage to property in charge of the assured or the assured's employees or agents.

(e) The provisions of subsection (b), parts (1) and (2), shall not apply to vehicles in storage; provided, the current license plates and registration cards are surrendered to the Department of Motor Vehicles in Sacramento.

SEC. 4 Section 418.3 of said code is amended to read:

418.3 Owners of Certain Vehicles to Maintain Ability to Respond in Damages. Every owner of a vehicle used in the transportation of passengers for hire, including taxicabs, when the operation of such vehicle is not subject to regulation by the Public Utilities Commission, shall maintain, when- Vehicles for hire

ever he may be engaged in conducting such operations, ability to respond in damages resulting from the ownership or operation of such vehicle and arising by reason of personal injury to, or death of, any one person, of at least ten thousand dollars ($10,000), and, subject to the limit of ten thousand dollars ($10,000) for each person injured or killed, of at least twenty thousand dollars ($20,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property of at least five thousand dollars ($5,000) resulting from any one accident. Such ability to respond in damages may be maintained by either:

(a) Being insured under a motor vehicle liability policy as defined in Section 415 against such liability.

(b) Obtaining a bond of the same kind, and containing the same provisions, as those bonds specified in subdivision (b) of Section 414.

(c) By depositing with the department twenty-five thousand dollars ($25,000) which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section.

(d) Qualifying as a self-insurer under Section 422.4.

The department shall return such deposit to the person entitled thereto when he is no longer required to maintain ability to respond in damages as required by this section or upon his death.

Any owner of a vehicle that uses such vehicle, or permits it to be used with his consent, in the transportation of passengers for hire without maintaining ability to respond in damages as required by this section is guilty of a misdemeanor.

The provisions of this section shall not prevent local authorities, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, licensing and regulating the operation of any vehicle for hire.

SEC. 5. Section 420 of said code is amended to read:

Security

420. Security. (a) Unless the driver involved in an accident described in Section 419 complies with one of the conditions for exemption specified in Section 422, the driver shall deposit security in a sum which shall be sufficient in the judgment of the department to satisfy any final judgment or judgments in any amount for bodily injury or in excess of one hundred dollars ($100) for property damage resulting from such accident as may be recovered against such driver or owner subject to the maximum limits set forth hereinbelow. The department shall determine the amount of security deposit upon the basis of the reports or other evidence submitted to it but shall not require a deposit of security for the benefit of any person when evidence has not been submitted by such person or on his behalf as to the extent of his injuries or the damage to his property within fifty (50) days following the date of accident. For purposes of this chapter a driver shall not be required to deposit security on behalf of his spouse or his minor child.

In the event the driver at the time of an accident was driving a motor vehicle owned, operated or leased by the employer of such driver and with the permission of the employer then the security provisions of this chapter shall apply to the employer and the suspension provisions of this chapter shall apply to the registration of all vehicles not covered by insurance, bond or self-insurance certificate at the time of the accident which vehicles were owned, operated or leased by the employer and shall not apply to such driver.

(b) The security shall be in the form of money or its equivalent as determined by the department and shall be in amounts of not more than ten thousand dollars ($10,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not more than twenty thousand dollars ($20,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not more than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident.

(c) The department may reduce the amount of security ordered in any case if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited, the excess on deposit over the reduced amount shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 423.1. The State Controller shall draw his warrant on the State Treasurer for the refund of any portion of a security deposit as ordered by the department under this subsection.

SEC. 6. Section 422.6 of said code is amended to read:

422.6. Requirements as to Policy or Bond. (a) No policy or bond shall be effective under Section 422.5 unless issued by an insurance company or surety company authorized to do business in this State, except as provided in subdivision (b) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ten thousand dollars ($10,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than twenty thousand dollars ($20,000) because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of property, to a limit of not less than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident. Policy or bond requirements

(b) No policy or bond shall be effective under Section 422.5 with respect to any vehicle which was not registered in this State or was a vehicle which was registered elsewhere than in this State at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this State, or if said company is not authorized

to do business in this State, unless it shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(c) Upon receipt of notice of such accident from the department, the insurance company or surety company named in such notice shall notify the department within such time and in such manner as the department may require whenever such a policy or bond was not in effect at the time of such accident.

Operative date

SEC. 7. This act shall become operative July 1, 1959.

CHAPTER 1654

An act to amend Sections 415 and 417 of the Vehicle Code, relating to motor vehicle liability policies, and ending proof requirement.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 415 of the Vehicle Code is amended to read:

Motor vehicle liability policy

415. Requisites of Motor Vehicle Liability Policy. (a) A "motor vehicle liability policy," as used in this chapter means an owner's policy or an operator's policy, or both, of liability insurance, certified as provided in Section 414 as proof of ability to respond in damages, issued by an insurance carrier authorized to transact such business in this State to or for the benefit of the person named therein as assured.

(b) Such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of said assured, against loss from the liability imposed by law for damages arising out of ownership, maintenance, or use of such motor vehicle or motor vehicles within the continental limits of the United States to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of ten thousand dollars ($10,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars ($20,000) for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the

liability imposed on him by law for damages arising out of use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Any such policy may grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this code and not otherwise contrary to law.

(e) Any liability policy issued hereunder need not cover any liability for injury to the assured or any liability of the assured assumed by or imposed upon said assured under any workmen's compensation law nor any liabilty for damage to property in charge of the assured or the assured's employees or agents.

(f) The provisions of subsection (b), parts (1) and (2), shall not apply to vehicles in storage; provided, the current license plates and registration cards are surrendered to the Department of Motor Vehicles in Sacramento.

SEC. 2. Section 417 of the Vehicle Code is amended to read:

Release of proof

417. When Department May Release Proof. The department shall upon request cancel any bond or any certificate of insurance, or the department shall direct the return to the person entitled thereto of any money or securities deposited pursuant to this code as proof of financial responsibility, or the department shall waive the requirement heretofore or hereafter imposed of filing proof of financial responsibility in any of the following events:

(a) When such person is no longer required to maintain such proof under the provisions of this code.

(b) At any time after three years from the date such proof was required when, during the three-year period immediately preceding the request, the person required to furnish such proof: (1) has not been convicted of any offense authorizing or requiring the suspension or revocation of a license by the department, and (2) has not suffered suspension or revocation of license upon order of the department or a court arising from a conviction of a violation of the law.

(c) Upon the death of the person on whose behalf such proof was filed.

(d) In the event of the permanent incapacity of such person to operate a motor vehicle if such person surrenders for cancellation his operator's or chauffeur's license and, if suspended under the provisions of Section 410 of this code, the registration cards and license plates issued for all motor vehicles registered in his name to the department.

(e) Any proof requirement in this code may be ended at the election of the department eight years after the date the proof was required; provided, that the records of the department do

not show existence of any of the circumstances set forth in paragraph (b) of this section.

(f) The department shall not release such proof: (1) If any action for damages upon a liability referred to in this code is then pending, or (2) if any judgment upon any such liability is outstanding and unsatisfied.

(g) An affidavit of the applicant of the nonexistence of such facts shall be prima facie evidence thereof.

CHAPTER 1655

An act to amend Sections 12324 and 12326 of the Government Code, relating to the duties of the State Treasurer.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 12324 of the Government Code is amended to read:

12324 The Treasurer shall pay warrants drawn by the Controller, except warrants canceled pursuant to law.

SEC. 2. Section 12326 of said code is amended to read:

12326. The Treasurer shall keep an account of all money received and disbursed.

CHAPTER 1656

An act to add Sections 16304.6, 16304.7, 16304.8, and 16304.9 to the Government Code, relating to state funds.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 16304.6 is added to the Government Code, to read:

Appropriation of unneeded funds

16304.6. Within the time during which the appropriation is available for expenditure, the State Board of Control at the request of the director of the department concerned and with the approval of the Director of Finance, may authorize that unneeded funds in any appropriation for the support of an institution, school or college or for family care or private home care within any of the following departments shall be available and be deemed appropriated for the support of another institution, school or college or for family care or private home care within the same department:

1. Department of Corrections;
2. Department of the Youth Authority;
3. Department of Education;
4. Department of Mental Hygiene.

SEC. 2. Section 16304.7 is added to said code, to read:

16304.7. Upon the effective date of an act abolishing any of the powers or duties of any state officer or agency, the unexpended balance of any appropriation for such officer or agency which was intended to be used for the performance of such powers or duties shall revert to the fund from which such appropriation was made. Reversion of unexpended balance

SEC. 3. Section 16304.8 is added to said code, to read:

16304.8. Upon the effective date of an act making any change in the fund from which an appropriation for any state officer or agency is payable, such appropriation or the applicable portion thereof shall become payable from the fund designated in that law. The Department of Finance shall determine the adjustments to be made as a result of such change in the law, and shall certify the same to the State Controller. The State Controller shall thereupon make the necessary entries upon his records. Date of payment

SEC. 4. Section 16304.9 is added to said code, to read:

16304.9. Upon the effective date of an act transferring any of the powers or duties of any state officer or agency to another state officer or agency, the Department of Finance shall determine the portion remaining of any appropriation which was intended to be used for the performance of such powers or duties, and shall certify this amount to the State Controller. The State Controller shall thereupon transfer such amount to the state officer or agency to which such powers or duties were transferred. Date of determination

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CHAPTER 1657

An act to amend Section 1 and to repeal Sections 5 and 6 of Chapter 992, Statutes of 1945, relating to the authority and power of the Director of Finance to purchase or acquire surplus property from the Federal Government or its agencies, and abolishing the Surplus War Property Procurement Advisory Board.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1 of Chapter 992, Statutes of 1945, is amended to read:

Section 1. The Director of Finance is hereby authorized and empowered to purchase, lease or otherwise acquire from the Federal Government or any agency thereof for use of state departments, officers and agencies, surplus real property, including buildings, fixtures, and equipment situated thereon, whenever in his judgment such purchase or acquisition and the terms and conditions thereof are in the best interests of the State. Lease, etc., from Federal Government

SEC. 2. Section 5 of said chapter is hereby repealed. Repeals

SEC. 3. Section 6 of said chapter is hereby repealed.

CHAPTER 1658

An act to amend Sections 12211 and 12613 of the Business and Professions Code, relating to weight of packaged goods.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 12211 of the Business and Professions Code is amended to read:

Test weighings

12211. Each sealer shall, from time to time, weigh or measure packages, containers or amounts of commodities sold, or in the process of delivery, in order to determine whether the same contain the quantity or amount represented and whether they are being sold in accordance with law.

The director is hereby authorized and directed to adopt and promulgate necessary rules and regulations governing the procedures to be followed by sealers in connection with the weighing or measuring of amounts of commodities in individual packages or containers or lots of such packages or containers, including the procedures for sampling any such lot, and in determining whether any package or container or a lot of such packages or containers complies with the provisions of this section. Any such rule or regulation, or amendment thereof, shall be adopted and promulgated by the director in conformity with the provisions of Chapter 4 (commencing at Section 11370), of Part 1 of Division 3 of Title 2 of the Government Code.

Notwithstanding the provisions of Chapter 6 (commencing at Section 12601), of this division, the director is hereby authorized to establish, by rules and regulations as provided in this section, necessary tolerances for commodities which are processed and packaged to allow for normal deviations from stated net weights or net measures incident to commercial packaging operations, or to provide for discrepancies in net weight or net measure due to the causes specified in subdivision (a) of Section 12614; provided, that the average weight or measure of the packages or containers in a lot of any such commodity sampled shall not be less, at the time of sale or offer for sale, than the net weight or measure stated upon the package, and provided further, that said rules or regulations applicable to food, as defined in Section 26450 of the Health and Safety Code, insofar as possible, shall not require higher standards and shall not be more restrictive than regulations, if any, promulgated by the Department of Health, Education, and Welfare, Food and Drug Administration, under the provisions of the Federal Food, Drug and Cosmetic Act.

Any lot or package of any such commodity which conforms with the necessary tolerances established pursuant to the provisions of this section shall be deemed to be in conformity with the provisions of this division relating to stated net weights or measures.

Whenever a lot of any commodity is found to contain, through the procedures authorized herein, a less amount than that represented, or an individual package or container exceeds the maximum tolerance established for the commodity contained therein pursuant to the provisions of this section, the sealer shall in writing order same off sale and require that an accurate statement of quantity be placed on each such package or container before same may be released for sale by the sealer in writing. The sealer may seize as evidence any package or container which is found to contain a less amount than that represented.

SEC. 2. Section 12613 of said code is amended to read:

12613. The sale of any commodity packaged in a container, wherein both the container and the contents thereof comply with any act of Congress or rules or regulations promulgated thereunder, appertaining to weight, measure or count, does not violate the provisions of this chapter; nor does the sale of alcoholic beverages in containers complying with a rule, regulation or an approval of the United States Treasury Department, Bureau of Internal Revenue, Alcohol Tax Unit or of the State Department of Public Health and pertaining to weight, measure or count constitute a violation of the provisions of this chapter. Exceptions

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CHAPTER 1659

An act to amend Section 19575.5 of the Government Code, relating to state employees.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 19575.5 of the Government Code is amended to read:

19575.5. At any time before an employee's appeal is submitted to the board or its authorized representative for decision, the appointing power may with the consent of the board or its authorized representative serve on the employee and file with the board an amended or supplemental notice of punitive action. If the amended or supplemental notice presents new causes or allegations the employee shall be afforded a reasonable opportunity to prepare his defense thereto, but he shall not be entitled to file a further answer unless the board or its authorized representative so orders. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing or investigation and shall be noted in the record.

CHAPTER 1660

An act to amend Section 537 of the Code of Civil Procedure, relating to attachments.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 537 of the Code of Civil Procedure is amended to read:

Issuance of attachment

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this State, and is not secured by any mortgage, deed of trust or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless; provided, that an action upon any liability, existing under the laws of this State, of a spouse, relative or kindred, for the support, maintenance, care or necessaries furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this State, or who has departed from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons

3. In an action against a defendant, not residing in this State, or who has departed from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to person or property in this State, in consequence of negligence, fraud, or other wrongful act.

4. In an action in unlawful detainer where it appears from the verified complaint on file therein that rent is actually due and payable from the defendant to the plaintiff for the premises sought to be recovered in said action; provided, the payment of such rent is not secured by any mortgage or lien upon real or personal property, or pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff or the person to whom the security was given, become valueless.

5. In an action by the State of California or any political subdivision thereof, for the collection of taxes due said State or political subdivision, or for the collection of any moneys due upon any obligation or penalty imposed by law.

CHAPTER 1661

An act to amend Section 575 of the Welfare and Institutions Code, relating to compensation of referees.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 575 of the Welfare and Institutions Code is amended to read:

575. In counties of the first and the third class, such referees shall serve without compensation, save that in each county of the first class having a charter the board of supervisors shall fix the compensation for at least two such referees, and in each county of the third class the board of supervisors shall fix the compensation for at least one referee. In counties of the second class the compensation of each of the two referees shall be eight hundred seventy-five dollars ($875) per month.

CHAPTER 1662

An act to amend Section 2054 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2054 of the Harbors and Navigation Code is amended to read:

2054. When the authority finds it necessary to construct or alter a wharf, bulkhead, breakwater, or appurtenances thereto, and if the authority finds it to be to the best interests of the State, it may lease the wharf, bulkhead, breakwater, or appurtenances thereto, or may enter into a lease prior to or during construction or alteration; providing, that the lessee may make such construction or alteration itself or pay a portion of the costs of construction and alteration and amortize the costs so paid under the terms of the lease, or may enter into a lease; providing, that the rents derived from the lease may be applied, in whole or in part, in payment of the costs of construction, and the construction contracts may so provide; providing, that no lease made under this section may be made for a period to exceed forty (40) years.

CHAPTER 1663

An act to amend Sections 1705, 1732, 1732.7, 1735, 3000, 3101, and 5132 of the Harbors and Navigation Code, and to repeal Sections 1733, 1734, 1736, 1738, 1739, 1740, 1741, 1742, and 3106 of said code, relating to the San Francisco Harbor.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1705 of the Harbors and Navigation Code is amended to read:

Salary

1705. The annual salary of each member of the authority is one thousand two hundred dollars ($1,200).

The authority shall fix the compensation of its officers and employees other than the commissioners. When salaries or compensation are due for services rendered in connection with any work which is payable from the proceeds of the sale of bonds, such salaries or compensation shall be paid out of the proceeds of these bonds. All other salaries and compensation shall be paid out of the San Francisco Harbor Improvement Fund.

An ex officio officer or consulting engineer shall not receive any compensation, except traveling and other incidental expenses.

SEC. 2. Section 1732 of the Harbors and Navigation Code is amended to read:

Port director

1732. The authority shall appoint the following officer: A port director.

SEC. 3. Section 1732.7 of said code is amended to read:

Duties

1732.7. The port director is the executive officer of the authority. Subject to the direction and control of the authority, and on its behalf, he shall:

(a) Appoint, subject to the State Civil Service Act, necessary technical, administrative, clerical, and other assistants and employees, assign their duties, supervise their conduct, and require them to execute to the State such official bonds as seem necessary.

(b) Execute and enforce the laws governing the operation and business of the port, and the tariffs, rules, and regulations promulgated by the authority thereunder.

(c) Subject to Section 1990 execute contracts and agreements, assignments, leases, and other documents necessary or convenient to the transaction of the business of the port and the operation of the properties and facilities in the possession and control of the authority.

(d) Perform such duties and exercise such functions as are prescribed by the authority.

(e) Except as provided by Sections 1732 and 1740, appoint, subject to the State Civil Service Act, such assistants and other employees as are necessary for the administration of the affairs of the authority, prescribe their duties, fix salaries and require

them to execute to the State such official bonds as seem advisable. Act as secretary to the authority, keep a complete and accurate record of all meetings and proceedings of the authority, and certify to official acts of the authority.

(f) Manage the dock system, the State Belt Railroad and all other parts of the port business.

SEC. 4. Section 1733 of said code is repealed. Repeals

SEC. 5. Section 1734 of said code is repealed.

SEC. 6. Section 1735 of said code is amended to read:

1735. The authority shall adopt such rules and regulations as may be necessary to the safe, convenient, and efficient operation of the port facilities under its jurisdiction. Such rules and regulations shall provide for, but need not be limited to: Rules and regulations

(a) The assignment of berths and dock space to vessels requiring the same.

(b) The movement, stationing, and anchoring of vessels in and about the slips, piers, docks, wharves and other facilities of the port.

(c) The removal of obstructions from the slips, piers, docks, wharves and other facilities of the port.

Such rules and regulations shall be obeyed by all pilots, masters, owners, consignees, and other operators of vessels, tugboats, ferries, and other craft, and shall be enforced by authorized officers and employees of the port.

SEC. 7. Section 1736 of said code is repealed. Repeals

SEC. 8. Section 1738 of said code is repealed.

SEC. 9. Section 1739 of said code is repealed.

SEC. 10. Section 1740 of said code is repealed.

SEC. 11. Section 1741 of said code is repealed.

SEC. 12. Section 1742 of said code is repealed.

SEC. 13. Section 3000 of said code is amended to read:

3000. In addition to the other powers granted by this part, the authority may: Powers of authority

(a) Construct the number of wharves required by the needs of commerce, and locate them at points and upon lines which it determines are most suitable for the best interests of commerce.

(b) Repair, maintain, and construct wharves and thoroughfares required by the needs of commerce.

(c) Erect improvements necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of San Francisco by water.

SEC. 14 Section 3101 of said code is amended to read:

3101. For the purpose of enforcing the charge for wharfage or tolls on goods landed on any wharf or thoroughfare, or remaining thereon longer than the time prescribed by the regulations of the authority, the authority may take possession of the goods. If the charge is not paid within two days thereafter, the authority may remove and store them at the risk and expense of the owner or consignee, or it may sell them at public auction, with or without notice. Enforcing wharfage or charge

For the purpose of keeping the wharves and thoroughfares free of obstructions, the authority may cause a written notice to be served on the owner, agent, consignee, or person in possession of any obstructing material or structure, or it may post a notice thereon requiring its removal within 24 hours thereafter; and, on failure to comply, the authority may remove, store, or sell them at public auction. The sale shall be made subject to immediate removal. From the proceeds of any sale, the authority shall retain all the wharfage and tolls due, plus 10 percent, and in case of obstructions, twenty-five dollars ($25) for each day during which the wharf or thoroughfare has been obstructed, and also all the expenses attending the sale. The surplus, if any, shall be paid to the proper person.

Repeal

SEC. 15. Section 3106 of said code is repealed.

SEC. 16. Section 3132 of said code is amended to read:

Obstruction

3132. If the roadway or sidewalk is obstructed, the authority may cause the obstructions to be removed in the manner provided by this part.

Assignment of spaces

The authority may assign the use of spaces along the waterfront and may charge therefor a reasonable rent. The authority has jurisdiction over the thoroughfare for the purposes of construction, repair, removal of obstructions, and collection of dockage, wharfage, rents, and tolls, and for commercial purposes. A franchise or privilege for a railroad track along the thoroughfare shall not be granted by the supervisors of San Francisco.

CHAPTER 1664

An act to amend Sections 5968, 7231, 7236, and 7239 of, and to add Sections 7466 and 18665 to, the Education Code, relating to the tuition of nonresident junior college students.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 5968 of the Education Code is amended to read:

Special reserve fund transfer

5968. Any moneys remaining in the special reserve fund of the district, except moneys placed in the fund pursuant to subdivision (b) of Section 7236 or subdivision (b) of Section 7239, shall be transferred to the general fund of the district by the auditor and treasurer upon written request to the superintendent of schools, auditor, and treasurer of the county by the governing board of the district, and the auditor and treasurer shall discontinue the special reserve fund.

SEC. 2. Section 7231 of said code is amended to read:

Certification of cost of education

7231. Not later than July 20th of each year, the superintendent of schools of each county in which there is not a county junior college shall certify the following items to the board

of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of pupils, during the next preceding fiscal year of all junior college pupils in grades 13 and 14 residing in the county and not in any junior college district nor in any high school district maintaining junior college courses, less state and federal apportionments received for such pupils.

(b) The actual expense of transportation of such pupils.

(c) An amount equal to three hundred dollars ($300) per unit of average daily attendance of such pupils during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

SEC. 3. Section 7236 of said code is amended to read:

Disposition of funds

7236. The amount apportioned to each junior college district or high school district under this article shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the district to the credit of the following funds of the district:

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 7231 shall be credited to the general fund of the district.

(b) All or any portion of the amount specified in subdivision (c) of Section 7231 upon authorization of the governing board of the district shall be credited to the interest and sinking fund of the district. Any remaining portion shall be credited to the special reserve fund of the district.

SEC. 4. Section 7239 of said code is amended to read:

Crediting district accounts

7239. A superintendent of schools in whose favor the order is drawn shall pay the money into the county treasury to the credit of the following funds of the districts educating the students from the county paying the money:

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 7231 shall be credited to the general fund of the district.

(b) All or any portion of the amount specified in subdivision (c) of Section 7231 upon authorization of the governing board of the district shall be credited to the interest and sinking fund of the district. Any remaining portion shall be credited to the special reserve fund of the district.

SEC. 5. Section 7466 is added to said code, to read:

Transfer to reserve fund

7466. Any money paid into the county treasury of the county and credited to the interest and sinking fund of any district pursuant to subdivision (b) of Section 7236 or subdivision (b) of Section 7239 remaining after the payment of

all bonds and coupons payable from the fund, or which is in excess of an amount sufficient to pay all unpaid bonds and coupons payable from the fund, shall be transferred to the special reserve fund of the district upon the order of the auditor, and may be used only for the purpose specified in Section 5961 and for no other purpose.

SEC. 6. Section 18665 is added to said code, to read:

Sale

18665. In any sale made pursuant to this article by a high school district maintaining a junior college to a newly formed junior college district which includes the territory of such high school district, it shall be competent for the governing board of the high school district to give consideration to prior tuition charges for the use of buildings and equipment which have been received by the district as a result of taxes levied upon property in the territory included in the newly formed junior college district and not in the high school district maintaining the junior college.

CHAPTER 1665

An act to add Section 35008 to 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 8, 1957.]

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

SECTION 1. Section 35008 is added to the Government Code, to read:

35008. The boundaries of territory proposed to be annexed shall not be fixed without the consent of the owner of the property so as to exclude the site of the residence dwelling of the owner of the property and to include the remainder of the property of such owner, where the site of the residence dwelling is contiguous or adjacent to the remainder of the property. If in any annexation proceedings boundary lines are fixed in violation of this section, the affected property owner may at any time before one year after the completion of the proceedings file a statement of the violation of this section with the clerk of the legislative body of the city annexing, or proposing to annex, such property and at its next meeting the legislative body shall by resolution exclude such property from the territory annexed. If the annexation proceedings have been completed, the legislative body shall transmit a certified copy of such resolution, describing the boundaries of the annexed territory, as changed, with the Secretary of State, who shall file it and transmit a certificate of the filing to the clerk of the legislative body and to the board of supervisors of the county in which the city is situated.

CHAPTER 1666

An act to amend Section 1203 of, the Health and Safety Code, relating to clinics and public health.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1203 of the Health and Safety Code is amended to read:

1203. No clinics are eligible for licensure under this chapter, except the classes as defined in the following:

(a) Charitable clinic is a clinic supported and maintained in whole or in part by donations, bequests, gifts or contributions, in which advice, diagnosis, treatment, medicines, drugs, appliances or apparatus concerning bodily and mental disease and injuries is given without charge. No corporation, other than a charitable corporation, shall operate a charitable clinic. No natural person or persons shall operate a charitable clinic. Nominal charges, made and collected from individuals advised or treated in a charitable clinic to defray administrative costs, if approved by the State Department of Public Health do not affect the status or classification of a charitable clinic.

(b) A teaching and research clinic is a clinic operated by or affiliated with any institution of learning which teaches a recognized healing art and is approved by the state agency having regulation of the practice of that healing art.

(c) An employer's clinic is a clinic operated by an employer, or jointly by two or more employers, without profit to them, for the prevention and treatment of accidental injuries to, and the care of the health of, their employees only.

(d) An employees' clinic is a clinic operated by a group of employees or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising such group.

CHAPTER 1667

An act authorizing the Director of Finance to quitclaim the interest of the State in and to certain pipelines or tunnels and easements therefor and the right to take and use certain waters in Napa County.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. The Director of Finance may, for such consideration and subject to such conditions, limitations, restrictions, and reservations as he deems are in the best interests of

the State, quitclaim all right, title, and interest of the State in and to any and all pipelines or tunnels heretofore constructed by it, and in and to any easements or rights of way therefor and the right to take and use certain waters heretofore acquired by the State pursuant to, and in respect to certain real property in Napa County described in, (a) a conveyance by Ignacio L. Vallejo et al., to the Trustees of the Napa State Asylum for the Insane, dated January 23, 1879, and recorded in Book 27 of Deeds at page 31, and (b) a conveyance by Margaret R. Robinson to the Trustees of the Napa State Asylum for the Insane, dated June 6, 1882, and recorded in Book 31 of Deeds at page 240.

CHAPTER 1668

An act to amend Section 1952 of the Unemployment Insurance Code, relating to the record of hearings respecting unemployment insurance matters.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1952 of the Unemployment Insurance Code is amended to read:

1952. The Appeals Board and its representatives and referees are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure but may conduct the hearings and appeals in such manner as to ascertain the substantial rights of the parties. A full and complete record shall be kept of all proceedings in connection with disputed claims. All testimony at any hearing held in this State upon a disputed claim arising under this division shall be recorded and, when feasible, by a reporter in shorthand or by machine writing. The testimony need not be transcribed unless the disputed claim is further appealed.

CHAPTER 1669

An act to amend Section 413 of the Code of Civil Procedure, relating to publication of summons.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 413 of the Code of Civil Procedure is amended to read:

413. The order must direct the publication to be made in a newspaper, to be named and designated as most likely to

give notice to the person to be served and must be pursuant to Section 6064 of the Government Code, unless the court, in its discretion, shall require, in the order for publication, a longer period of publication and except in proceedings instituted pursuant to the provisions of Chapter 4, Title 3, Part 3, of this code. In case of publication, where the residence of a nonresident or absent defendant is known, the court, judge, or justice, must direct a copy of the summons and complaint to be forthwith deposited in the post office, directed to the person to be served, at his place of residence. When publication is ordered, personal service of a copy of the summons and complaint out of the State is equivalent to publication and deposit in the post office. Service is complete upon the making of such personal service or at the expiration of the time prescribed by the order for publication, whichever event shall first occur.

As used in this section "post office" includes mail box, sub-post office, substation and mail chute or other like facility regularly maintained by the Government of the United States.

CHAPTER 1670

An act to add Sections 6062a and 6063a to, and to amend Sections 6063, 6064, 6065 and 6066 of, the Government Code, relating to publication of legal notices.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6062a is hereby added to the Government Code, to read:

6062a. Publication of notice pursuant to this section shall be for 10 days in a newspaper regularly published once a week or oftener. Two publications at least six days apart within the period are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day. Publication period

SEC. 2. Section 6063 of said code is hereby amended to read:

6063. Publication of notice pursuant to this section shall be once a week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener are sufficient. The period of notice commences upon the first day of publication and terminates on the day following the last day of publication. Same

SEC. 3. Section 6064 of said code is amended to read:

6064. Publication of notice pursuant to this section shall be once a week for four successive weeks. Four publications in a newspaper regularly published once a week or oftener are sufficient. The period of notice commences with the first day of Same

publication and terminates on the day following the last day of publication.

SEC. 4. Section 6065 of said code is amended to read:

Same

6065. Publication of notice pursuant to this section shall be once a week for eight successive weeks. Eight publications in a newspaper regularly published once a week or oftener are sufficient. The period of notice commences upon the first day of publication and terminates on the day following the last day of publication.

SEC. 5. Section 6066 of said code is amended to read:

Same

6066. Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener are sufficient. The period of notice commences upon the first day of publication and terminates on the day following the last day of publication.

SEC. 6. Section 6063a is hereby added to said code, to read:

Same

6063a. Publication of notice pursuant to this section shall be for at least 10 days. Three publications in a newspaper published once a week or oftener are sufficient; provided, the first and last publications are at least six days apart. The period of notice commences upon the first day of publication and terminates either upon the day of the third publication or at the end of the tenth day, including therein the first day, whichever period is longer.

CHAPTER 1671

An act to amend Sections 327, 780, and 1201 of the Probate Code, relating to probate proceedings.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 327 of the Probate Code is amended to read:

Hearing

327. When the petition is filed, the clerk of the court shall set the same for hearing by the court upon some day not less than 10 nor more than 30 days thereafter, and shall give notice of the time and place of hearing by publishing the same in a newspaper published in the county; if there is none, then by three written or printed notices, posted at three of the most public places in the county. Said publication shall be pursuant to Section 6063a of the Government Code. If the notice is by posting, it must be given at least 10 days before the hearing.

SEC. 2. Section 780 of said code is amended to read:

Real property sale

780. Notice of the time and place of sale of real property must be published pursuant to Section 6063a of the Government Code in a newspaper published in the county in which

the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, prior to the day of sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisement that the value of the property to be sold does not exceed five hundred dollars ($500), the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale at the courthouse of the county in which the land or some portion thereof lies for two weeks before the day of the sale, or, in the case of a private sale, before the day on or after which the sale is to be made. The property proposed to be sold must be described with common certainty in the notice.

SEC. 3. Section 1201 of said code is amended to read:

1201. In the case of a petition for leave to sell or to give an option to purchase a mining claim or real property worked as a mine, or for leave to borrow money or execute a mortgage or deed of trust or give other security, or for leave to execute a lease, or sublease, in addition to the notice required by Section 1200 of this code, the clerk shall cause such notice of the application to be published in a newspaper of general circulation in the county in which the estate is being probated pursuant to Section 6062a of the Government Code

Instances of publication

CHAPTER 1672

An act to repeal Sections 6211 and 6212 of the Public Resources Code, relating to the State Lands Commission.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Sections 6211 and 6212 of the Public Resources Code are repealed.

CHAPTER 1673

An act to amend Sections 1711 and 1720 of the Welfare and Institutions Code, relating to the Youth Authority Board.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 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 six members, at least one of whom shall be a woman, who shall devote their entire time to its work.

Members

SEC. 2. Section 1720 of said code is amended to read:

Term

1720. The terms of office of members of the authority shall be for four years and shall expire as follows: two on March 15, 1955, and two on March 15, 1957. The term of the Chairman of the Youth Authority Board shall expire March 15, 1956. Their successors shall hold office for terms of four years and until the appointment and qualification of their successors, each such term to commence on the expiration date of the term of the predecessor. Members shall be eligible for reappointment.

Appointment

The new member added to the authority by the amendment to Section 1711 of this code by the Legislature at the 1957 Regular Session shall be appointed by the Governor for a term expiring March 15, 1958.

CHAPTER 1674

An act to amend Section 417 of the Code of Civil Procedure, relating to civil actions against persons outside of this State.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 417 of the Code of Civil Procedure is amended to read:

Jurisdiction by publication

417. Where jurisdiction is acquired over a person who is outside of this State by publication of summons in accordance with Sections 412 and 413, the court shall have the power to render a personal judgment against such person only if he was personally served with a copy of the summons and complaint, and was a resident of this State (a) at the time of the commencement of the action, or (b) at the time that the cause of action arose, or (c) at the time of service.

Severability clause

SEC. 2. If the amendment of Section 417 of the Code of Civil Procedure, enacted at the 1957 General Session of the Legislature, or any provision thereof, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions of said Section 417 as they were in force immediately prior to the effective date of said amendment nor shall it affect other provisions or applications of said amendment which can be given effect without the invalid provision or application, and, to this end, and in each such respect, said amendment and its provisions are declared to be severable.

CHAPTER 1675

An act to amend Section 6404, Public Resources Code, relating to the reservation of mineral rights.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6404, Public Resources Code, is amended to read:

6404. Any state agency that sells any of the lands listed in Section 6403, other than tax-deeded lands, may reserve to the State any or all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, or other mineral deposits therein, together with the right to prospect for, mine and remove such deposits, and to occupy and use so much of the surface of the land as may be necessary therefor

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CHAPTER 1676

An act to amend Section 50 of the Vehicle Code, relating to weight of vehicles.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 50 of the Vehicle Code is amended to read:

50. "Unladen Weight." The "unladen weight" of a vehicle is the weight of the vehicle equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also accessories required by law such as lamps and signals and those special cabinets, boxes and body parts permanently attached to the vehicle, but excluding any load or any machinery or mechanical apparatus, such as wood saws, well-drilling machines, spray apparatus, tow car cranes, grinding equipment, and transit-mix cement equipment or temporary equipment used to contain or support the load which does not change the body classification, which is not a regular part of a motor vehicle but which may be attached to the body or chassis or connected with the driving mechanism which shall be regarded as a part of the load but not a part of the unladen weight of the vehicle. Removable sideboards or endgates installed for occasional use but not permanently attached to the body or chassis of a commercial vehicle without such boards or gates shall not constitute a part of the unladen weight of the vehicle when such vehicle is used primarily upon the premises of the owner. Unladen

weight as defined herein shall have no application to or bearing upon any fee under this code or the Revenue and Taxation Code other than Section 372 of this code.

CHAPTER 1677

An act to repeal Article 6 of Chapter 1 of Part 2 of Division 2, consisting of Section 1580, of the Welfare and Institutions Code, relating to transportation of needy children.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Article 6 of Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code is repealed.

CHAPTER 1678

An act to add Section 15.5 to the Fish and Game Code, and add Section 5512 to the Fish and Game Code as proposed by Assembly Bill No. 616, relating to fishing.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 15.5 is added to the Fish and Game Code, to read:

Artificial lure

15.5. The commission shall have 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.

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 15.5 of the Fish and Game Code adopted in 1933 is repealed.

CHAPTER 1679

An act to amend Section 73521 of the Government Code, relating to municipal courts.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 73521 of the Government Code is amended to read:

73521. There shall be two judges.

CHAPTER 1680

An act to amend Section 23010 of the Government Code, relating to loans by counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1957 Filed with Secretary of State July 8, 1957]

In effect immediately

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

SECTION 1. Section 23010 of the Government Code is amended to read:

23010. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any county waterworks district, mosquito abatement district, pest abatement district, fire protection district, flood control and water conservation district, park, recreation and parkway district or recreation, park and parkway district located wholly within the county, if its funds are or when available will be in the custody of the county or any officer of the county, in order to enable the district to perform its functions and meet its obligations. The loan shall not exceed 85 percent of the district's anticipated revenue for the fiscal year in which it is made or for the next ensuing fiscal year, and shall be repaid out of such revenue prior to the payment of any other obligation 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:

This act would enable counties to make loans to flood control and water conservation districts within such counties. Many of such districts are in desperate need of funds for repair and restoration work in connection with flood control, or for construction work for both flood control and water conservation purposes. In order that the making of such loans will not be delayed until October or later, and that commencement of such urgently needed work may take place at the earliest possible time so that necessary works will be available for the coming irrigation season and the later flood season, it is necessary that this act take effect immediately.

CHAPTER 1681

An act to add Chapters 3.4 (commencing with Section 20691) and 3.5 (commencing with Section 20695) to Division 10 of the Education Code, relating to state colleges, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Chapter 3.4 is added to Division 10 of the Education Code, to read:

CHAPTER 3.4. STATE COLLEGE FOR ALAMEDA COUNTY

Article 1. Establishment

State College for Alameda County

20691. There is hereby established a state college, to be located in the southern portion of Alameda County, to be known as the State College for Alameda County.

Applicable law

20692. The provisions of Chapter 2 of this division and all other laws relating to state colleges are applicable to the State College for Alameda County.

SEC. 2. Chapter 3.5 is added to Division 10 of said code, to read:

CHAPTER 3.5. ORANGE COUNTY STATE COLLEGE

Orange County State College

20695. There is hereby established a state college, to be located in Orange County, to be known as the Orange County State College.

Applicable law

20696. The provisions of Chapter 2 of this division and all other laws relating to state colleges are applicable to the Orange County State College.

Appropriation

SEC. 3. The sum of four million three hundred thousand dollars ($4,300,000) is hereby appropriated from the State Construction Program Fund, to be expended by the Department of Education in accordance with the following schedule $4,300,000

Schedule:

(a) For site acquisition and improvement and construction, improvements and equipment, State College for Alameda County $1,650,000

(b) For site acquisition and improvement and construction, improvements and equipment, Orange County State College $1,650,000

(c) For site acquisition in Stanislaus County for a state college to be established therein $500,000

(d) For site acquisition in Sonoma County, Marin County, Napa County, or Solano County, for a state college to be established in one of such counties	$500,000
Total of schedule	$4,300,000

The appropriation made by this act shall remain available for expenditure until June 30, 1960. Site acquisition made from such appropriation shall be subject to the Property Acquisition Law.

The Director of Finance may, pursuant to a request by the Department of Education, authorize the augmentation of the amount available for expenditure for a category designated in the schedule set forth above for such appropriation by transfer from any of the other designated categories within the same schedule. The Director of Finance shall present to the Joint Legislative Budget Committee assembled in meeting a report on all authorizations given pursuant to this section during the preceding quarter.

The Department of Finance shall include the amount of this appropriation in the total amount of Budget Act appropriations in the same manner and with the same effect as if this appropriation had been included in a section of the Budget Act of 1957, as provided in the State Construction Program Bond Act of 1955 (Statutes of 1955, Chapter 1709).

CHAPTER 1682

An act to amend Sections 2841, 2842, 2843, and 2866 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2841 of the Business and Professions Code is amended to read:

2841. There is hereby created in the Department of Professional and Vocational Standards, a Board of Vocational Nurse Examiners of the State of California, consisting of nine members. Board of Vocational Nurse Examiners

Within the meaning of this chapter, board, or the board, refers to the Board of Vocational Nurse Examiners of the State of California.

SEC. 2. Section 2842 of said code is amended to read:

2842. Each member of the board shall be a citizen of the United States and a resident of the State of California. One member shall be a duly licensed physician and surgeon; one member shall be a registered nurse who shall have had not Qualifications

less than five years' experience as a teacher or administrator in an accredited school of nursing offering a program of study in professional nursing under the provisions of Chapter 6, Division 2 of the Business and Professions Code; one member shall be a hospital administrator; one member shall be a public school administrator of this State; and five members shall be duly licensed vocational nurses who have been licensed for a period of three years prior to appointment.

No person may serve as a member of the board for more than two consecutive terms.

SEC. 3. Section 2843 of said code is amended to read:

Appointment, terms, etc

2843. Members of the board shall be appointed by the Governor for a term of four years. The terms of the members of the board first appointed under this chapter shall expire as follows: the two practical nurses who are qualified to meet the requirements for a license under this chapter, on January 15, 1952; two on January 15, 1953; two on January 15, 1954; two on January 15, 1955. Vacancies occurring shall be filled by appointment for the unexpired term in the manner hereinabove provided.

A vacancy is hereby created on the effective date of the 1957 amendment of this section in the term of the public health nurse, and the Governor shall within 90 days thereafter fill the vacancy so created and the two new positions by the appointment of three duly licensed vocational nurses who have been licensed for a period of three years prior to appointment. One of the nurses so appointed shall serve for the balance of the term of the public health nurse member; one for a term to expire on January 15, 1960; and one for a term to expire on January 15, 1961.

SEC. 4. Section 2866 of said code is amended to read:

Requirements for licensee

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; provided, that persons applying for a license prior to July 1, 1955, and who qualify for a license under Section 2873 of this code, shall be required to have such general educational qualifications as shall be deemed sufficient 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 mini-

mum 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.

CHAPTER 1683

An act to amend Section 1156 of the Government Code, relating to salary and wage deductions of state employees.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1156 of the Government Code is hereby amended to read:

1156. State officers and employees may authorize deductions to be made from their salaries or wages, in accordance with the rules and regulations of the State Controller, for the payment of:

(a) Premiums on any policy or certificate of group life, accident, health or disability insurance issued to the officer or employee insured under any plan of group insurance approved by the Director of Finance.

(b) Dues or charges of a nonprofit membership corporation for the purpose of defraying the cost of medical service (including service rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic) or hospital care, or both, under any plan approved by the Director of Finance.

(c) Premiums on National Service Life Insurance or United States Government Converted Insurance.

(d) Dues in any bona fide association if the association, or the unit thereof, is comprised principally of employees and former employees of agencies of the State of California. The Controller shall determine the additional cost involved in making such deductions, and the association, or the unit thereof, shall pay the amount of such additional cost to the State Controller for deposit in the General Fund.

CHAPTER 1684

An act to amend Section 35009 of the Government Code, relating to annexation of territory to cities.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 35009 of the Government Code is amended to read:

35009. Any territory which is by consent of the owners zoned and restricted for agricultural purposes exclusively pur- Agriculturally zoned territory

suant to a master plan for land use in any county shall not, while it is so zoned, be annexed to a city pursuant to Article 2 or 5, without the consent of the owners of the land in the territory which is proposed to be annexed.

Territory so zoned shall not be considered unincorporated territory for purposes of Sections 35158 and 35326.

This section shall apply only to counties which have, on or before December 31, 1954, adopted a master plan for land use which includes provision for the zoning and restricting of areas for exclusively agricultural purposes, and this section shall apply to any territory which is so zoned and restricted pursuant to such plan before or after such date.

This section shall not be construed and is not intended to prevent the annexation of roads, and territory so zoned shall not be included in computing the one-half mile limitation under Government Code Sections 35105.5 or 35304.5 as to any territory situated outside of the territory so zoned.

CHAPTER 1685

An act to amend Sections 25000 and 25007 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 25000 of the Business and Professions Code is amended to read:

Price schedule

25000. Each manufacturer, importer, and wholesaler of beer shall file and thereafter maintain on file with the department, in triplicate and in such form as the department may provide, a written schedule of selling prices charged by the licensee for beer sold and distributed by him to licensees.

SEC. 2. Section 25007 of said code is amended to read:

Limitation

25007. No manufacturer, importer, or wholesaler mentioned in this chapter is prohibited the right of choice of customers.

CHAPTER 1686

An act to amend Sections 8531.5, 8556, 8649 and 8674 of, and to add Section 8655 to, the Business and Professions Code, relating to structural pest control.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 8531.5 of the Business and Professions Code is amended to read:

8531.5. The board shall prepare minutes of its annual meeting and any special meetings, which shall be permanently maintained at the office of the registrar and open to public inspection during office hours. Minutes

SEC. 2. Section 8556 of said code is amended to read:

8556. (a) Licensed contractors acting in their capacity as such, may apply wood preservatives directly on wood by brush, dip or spray method, and may remove and replace any structure or portions of a structure damaged by wood destroying pests or organisms if such work is incidental to other work being performed on the structure involved. Licensed contractors

This exemption does not authorize the performance of any other acts defined in Section 8505 (a).

(b) A licensed contractor may contract for the performance of any soil treatment pest control work to eliminate, exterminate, control, or prevent infestations or infections of pests or organisms in the ground beneath or adjacent to any existing building or structure or in or upon any site upon which any building or structure is to be constructed, but the actual performance of any such work must be done by a structural pest control operator.

SEC. 3. Section 8649 of said code is amended to read:

8649. Conviction of a felony arising from or in connection with the operation of the licensee, committed after the issuance of a license under this chapter is a ground for disciplinary action. The certified record of conviction shall be conclusive evidence thereof. Disciplinary action

SEC. 4. Section 8655 is added to said code, to read:

8655. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this article or Section 8568 of this chapter. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment Conviction

SEC. 5. Section 8674 of said code is amended to read:

8674. The amount of the fees prescribed by this chapter is that fixed by the following schedules: Fees

Duplicate license	$2.00
Change of name	2.00

	Minimum	Maximum
Operator's examination	$10.00	$25.00
Operator's license	25.00	50.00
Renewal operator's license	25.00	50.00

	Minimum	Maximum
Branch office registration	$10.00	$25.00
Renewal branch office registration	10.00	25.00
Field representative's examination	5.00	15.00
Field representative's license	5.00	15.00
Renewal field representative's license	5.00	15.00

In the foregoing schedule, where a minimum and maximum amount is set forth, the board with the approval of the director shall determine and set the fee to be paid.

CHAPTER 1687

An act to add Section 142.6 to the Vehicle Code, relating to vehicle registration.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 142.6 is added to the Vehicle Code, to read:

142.6. Exemption From Registration. The registration provisions of this chapter shall not apply to any fork-lift truck which is designed primarily for loading and unloading and for stacking materials and is operated upon a highway only for the purpose of transporting products or material across a highway in the loading, unloading or stacking process, and is in no event operated along a highway for a greater distance than one-quarter mile.

CHAPTER 1688

An act to amend Section 211 of the Agricultural Code, relating to agriculture.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 211 of the Agricultural Code is amended to read:

211. Whenever the director determines that an infectious or contagious disease exists among domestic animals or poultry, or that animals or poultry have been exposed, or may have been exposed, to any such disease, or to the vectors thereof, in any other state or territory in the United States, or in any foreign country, and the importation of animals, animal products, or refuse animal or vegetable matter or

poultry from said state, territory or foreign country might transmit, carry, or disseminate such disease to domestic animals or poultry within this State, the director shall notify the Governor who, if he deem it expedient, shall issue his proclamation which shall prescribe the conditions, if any, under which such animals, animal products, or refuse animal or vegetable matter, or poultry, may be imported into this State from any other state, territory or foreign country.

CHAPTER 1689

An act to add Section 1709.3 to the Insurance Code, relating to insurance life and disability agents.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1709.3 of the Insurance Code is added, to read:

1709.3. Pending the filing of an appointment with the commissioner, whether after termination of an agency or otherwise, a person otherwise qualified under the provisions of this article to act as an insurance agent, is entitled to have issued to him a certificate executed by the commissioner and stating that upon the filing of such an appointment a license to act as insurance agent will be issued.

CHAPTER 1690

An act to amend Sections 8569 and 8570 of the Business and Professions Code, relating to structural pest control.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 8569 of the Business and Professions Code is amended to read:

8569. In addition to the partner licensed as operator upon the application of the partnership, if other partners desire to actively engage in pest control in behalf of the partnership each shall be required to qualify for and to be licensed as an operator. Licensing of partners

Nothing in this chapter shall prohibit any partner who is duly qualified and licensed in one or more of the branches of pest control designated in Section 8560, from representing the partnership in any other branch of pest control for which the partnership is licensed under the provisions of Section 8561, except that he may actively engage in pest control as an operator only in the branch for which he is qualified and licensed.

Upon being licensed as an operator, such other partner may engage in pest control only on behalf of the partnership of which he is a member, as long as he remains a partner thereof, but he may become associated with another partnership, or with a firm or corporation, in a capacity other than as a qualifying partner, operator, or officer.

SEC. 2. Section 8570 of said code is amended to read:

Licensing of corporate agents or officers

8570. In addition to the officer of, or responsible natural person employed by an association or corporation licensed as operator upon the application of the association or corporation, if any other officers desire to actively engage in pest control in behalf of the association or corporation, each shall be required to qualify for and to be licensed as an operator.

Nothing in this chapter shall prohibit any officer of such corporation who is duly qualified and licensed in one or more of the branches of pest control designated in Section 8560, from representing the corporation in any other branch of pest control for which the corporation is licensed under the provisions of Section 8561, except that he may actively engage in pest control as an operator only in the branch for which he is qualified and licensed.

Upon being licensed as an operator, such officer may engage in pest control only on behalf of the association or corporation of which he is an officer, so long as he remains an officer thereof, but he may become associated with another association or corporation, or with a firm or partnership, in a capacity other than as a qualifying officer, operator, or partner.

CHAPTER 1691

An act to amend Sections 9501, 9510, 9511, 9522.1, 9522.11, and 9523 of, and to repeal Sections 9503, 9504, 9508, 9509, 9513, 9517, 9519, 9520, 9522.8, 9522.9, 9522.13, 9522.14, 9522.15, 9522.16, 9522.17, 9552, 9576, 9577, 9582, 9591 and Article 5 (commencing with Section 9560) of Chapter 18 of Division 3 of, the Business and Professions Code, relating to dry cleaning.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Sections 9503, 9504, 9508 and 9509 of the Business and Professions Code are hereby repealed.

SEC. 2. Section 9501 of said code is amended to read:

"Cleaning," etc

9501. "Cleaning" and "dry cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, spraying, vaporization, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile or inflam-

mable product, applied either manually or by means of a mechanical appliance.

When the garment is a fur, fur garment, or a garment to which fur is attached, "dry cleaning" also includes the use of sawdust or other similar solid materials mixed with non-inflammable solvents, applied manually, with a mechanical device, or a fur-cleaning drum and glazing of fur and cleaning of lining. As used in this section, "spraying" does not include spraying during the process of spotting.

SEC. 3. Section 9510 of said code is amended to read:

9510. Any advertisement of the service of dry cleaning, spotting, sponging, or pressing constitutes prima facie evidence that the premises, business, building, room, shop, store, or establishment in or upon which it appears, or to which it refers, is a dry cleaning agency. Advertisement

SEC. 4 Section 9511 of said code is amended to read:

9511. "Dry cleaning agency" means any premises, business, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, service inlet, or service outlet, upon, in, or through which is operated a service for receiving and delivering wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry cleaning, dyeing, renovating, or pressing or other finishing service is to be performed. "Dry cleaning agency"

A person does not conduct a dry cleaning agency within the meaning of this chapter if no charge is made for the services rendered and the only compensation received is a gratuity.

Nothing herein contained shall be deemed to be applicable to any salaried or commission driver using the firm name and address, or the sales tags or billheads of a regularly licensed dry cleaning plant, cleaning and dyeing plant, cleaning and dyeing shop or store, or a spotting, sponging or pressing establishment.

SEC. 5. Sections 9513, 9517, 9519 and 9520 of said code are hereby repealed. Repeals

SEC. 6. Section 9522.1 of said code is amended to read:

9522.1. "Garment" means and includes wearing apparel, feathers, furs, hats, fabrics, or textiles which are or may be the subject of any transaction contemplated by this chapter, and includes the plural as well as the singular. Garments of more than one piece, commonly referred to as a unit, such as two- or three-piece suits, plain dresses, and overcoats, unless otherwise indicated, shall be deemed a "garment" when referred to herein. "Garment"

SEC. 7. Sections 9522.8 and 9522.9 of said code are hereby repealed. Repeals

SEC. 8. Section 9522.11 of said code is amended to read:

9522.11. "Retail plant" means a plant, the gross sales of which consist of 51, or a greater, percent of direct sales to persons other than licensees under this chapter. "Retail plant"

Repeals

SEC. 9. Section 9522.13, 9522.14, 9522.15, 9522.16 and 9522.17 of said code are hereby repealed.

SEC. 10. Section 9523 of said code is amended to read:

Application

9523. This chapter shall not apply to persons performing "spotting," "sponging," or "pressing" services for passengers or employees on passenger trains of corporations subject, in whole or in part, to the jurisdiction of the Interstate Commerce Commission or the Public Utilities Commission, nor shall this chapter apply to paid employees who have no proprietary interest in the place for which a license is required hereunder.

Repeals

SEC. 11. Section 9552 and Article 5 (commencing with Section 9560) of Chapter 18 of Division 3 of said code are hereby repealed.

SEC. 12. Sections 9576, 9577, 9582 and 9591 of said code are hereby repealed.

CHAPTER 1692

An act to add Sections 1741 and 1742 to, to amend Section 1740 of, and to repeal Sections 1741, 1742 and 1743 of, the Business and Professions Code, relating to dental hygienists.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1740 of the Business and Professions Code is amended to read:

License application

1740. Any person of at least 18 years of age is eligible to take an examination for licensure as a dental hygienist before the board upon making application therefor and: (a) paying a fee as provided in Section 1752; (b) furnishing satisfactory testimonials of good moral character; (c) furnishing satisfactory evidence of having been graduated in a course or curricula in dental hygiene from a dental college or other institution which shall have been approved by the board.

Repeals

SEC. 2. Sections 1741, 1742 and 1743 of said code are repealed.

SEC. 3. Section 1741 is added to said code, to read:

Examination subjects

1741. The subjects in which the applicant shall be examined shall be such subjects as the board may from time to time prescribe; provided, however, that the subject of the examination shall be selected in accordance with the trend of dental hygiene education in California as that trend is determined from time to time by the curricula of the dental colleges in California approved by the board.

SEC. 4. Section 1742 is added to said code, to read:

1742. In addition to the written examination a practical examination in the removal of deposits from, and the polishing of the exposed surfaces of the teeth shall be given the applicants. Practical examination

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CHAPTER 1693

An act to add Section 13390.5 to the Government Code, relating to state purchases.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 13390.5 is added to the Government Code, to read:

13390.5. The bid requirements prescribed in this article are not applicable to purchases or contracts for the purchase of the following:

(a) Fluid milk and fluid cream, the price of which is established in accordance with Chapter 17 of Division 6 of the Agricultural Code.

(b) Fruits and vegetables procured under contract with growers for the use of canneries maintained and operated by state agencies, if such canneries are maintained and operated so that their canned products will meet the standards prescribed for similar commercially packed canned products under federal law.

(c) Such agricultural surpluses as may be available to the State or its agencies by any governmental agency.

CHAPTER 1694

An act to add Section 96 to the Agricultural Code, relating to fairs.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 96 is added to the Agricultural Code, to read:

96. All state, district, county or citrus fruit fairs held in this State and which receive moneys from the State Treasury shall permit the admission without payment of the admission charge of all children 12 years of age or under on at least one day, designated by the fair, during each fair period. Such admissions shall not be subject to the provisions of Section 95.

CHAPTER 1695

An act to amend Section 33566 of the Health and Safety Code, relating to community redevelopment.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 33566 of the Health and Safety Code is amended to read:

33566. At any time prior to the day set by the legislative body for hearing the tentative plan as set forth in the notice of hearing published in accordance with Section 33563, any qualified person, or public or private agency may file with the legislative body an alternative plan for the project area.

CHAPTER 1696

An act to amend Sections 33268, 33701, 33730, and 33746 of, and to add Section 33270.1 and Chapter 6 (commencing with Section 33970), Part 1, Division 24 to the Health and Safety Code, relating to community redevelopment.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 33268 of the Health and Safety Code is amended to read:

Lease, etc., without public bid

33268. Any lease or sale made pursuant to Section 33267 may be made without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies.

SEC. 2. Section 33270.1 is added to said code, to read:

Relocation payments

33270.1. An agency may make relocation payments to or with respect to persons (including families, business concerns and others) displaced by a redevelopment project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

SEC. 3. Section 33701 of said code is amended to read:

Redevelopment participation

33701. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area. This section does not prohibit the owners from submitting an alternative plan pursuant to this part.

With respect to each redevelopment project, each agency shall, within a reasonable time after the adoption of the tenta-

tive plan and before the adoption of the final plan, adopt and make available for public inspection rules to implement the operation of this section in connection with the plan.

SEC. 4. Section 33730 of said code is amended to read:

33730. The legislative body shall consider the redevelopment plan of a project area submitted by the agency, any alternative plan submitted pursuant to this part, and all evidence and testimony for or against the adoption of the plans at a public hearing, notice of which shall be given by publication for not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies. Public hearing Redevelopment plan

SEC. 5. Section 33746 of said code is amended to read:

33746. After the adoption of the redevelopment plan and the expiration of the period provided for in Section 33745, further proceedings which affect the specific area in which the owners refused to participate with reference to redevelopment of the project area shall be stayed for 30 days. Adoption of plan

The findings and determinations of an agency and of a legislative body or of either of them, in the adoption and approval of any redevelopment plan or of any urban renewal plan or of any combination of such plans may be judicially reviewed by a court of competent jurisdiction Such action must be brought within 90 days after the date of adoption of the ordinance approving the plan. No action shall be brought prior to the adoption of the final redevelopment plan.

SEC. 6. Chapter 6 (commencing with Section 33970) is added to Part 1, Division 24 of said code, to read:

CHAPTER 6. URBAN RENEWAL

Article 1. General

33970. In addition to its powers under any other section of this part, an agency is authorized to plan and undertake urban renewal projects. Urban renewal projects

33971. "Urban renewal" means undertakings and activities for the elimination and for the prevention of the development or spread of blighted areas, and may involve any redevelopment work or undertaking or any rehabilitation and conservation work, or any combination or part of such undertaking or work "Urban renewal"

33972. "Rehabilitation" or "conservation" may include the restoration and renewal of a blighted, deteriorated, or deteriorating area by: "Rehabilitation"

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(b) Acquisition of certain real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detri-

mental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) Installation, construction or reconstruction, of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area an urban renewal plan; and

(d) Disposing of any real property acquired to private enterprise or public agencies for use in accordance with an urban renewal plan.

"Urban renewal area"

33973. "Urban renewal area" means a blighted, deteriorated or deteriorating area, the urban renewal of which is necessary to effectuate the public purposes declared in this part.

"Urban renewal plan"

33974. "Urban renewal plan" means a plan for the urban renewal of a project area. Such a plan shall be subject to all the requirements and prepared and approved pursuant to all the provisions and procedures of this part applicable to a redevelopment plan and the preparation and approval thereof.

"Urban renewal project"

33975. "Urban renewal project" means an undertaking of an agency pursuant to an official urban renewal plan designated by the legislative body in accordance with this part. Such a project shall be subject to all the requirements and provisions of this part applicable to a redevelopment project.

Findings and declarations affirmed

33976. The findings and declarations heretofore made in this part with respect to the existence of blighted areas in need of redevelopment are hereby affirmed and restated.

Additional declarations

33977. It is hereby further found and declared that:

(a) There exist in many communities other areas in which the conditions by which blighted areas are characterized are present to a lesser degree but still to such an extent that such areas are deteriorated or deteriorating and threaten to become blighted areas if the conditions of blight in them are not remedied.

(b) The existence of such deteriorated and deteriorating areas thus threatens to increase still further the extent, scope and effect of blighted areas and is itself declared to be a menace which is condemned as injurious and inimical to the public health, safety and welfare of the people of the communities in which they exist and of the State.

(c) In such deteriorated and deteriorating areas, and in some blighted areas, the conditions of blight can be remedied, the process of deterioration halted, and the spread of blight and development of blighted areas prevented by rehabilitation and conservation.

(d) The effective rehabilitation and conservation of such areas may require public acquisition at fair prices of certain parcels of land where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for public facilities.

33978. It is further found and declared that there exists in many communities still other areas, parts of which are blighted to the extent that they require redevelopment, and other parts of which are blighted, deteriorated and deteriorating to the extent that they require rehabilitation and conservation, and the effective remedying of the conditions of blight and urban renewal of such areas requires the combination of redevelopment, rehabilitation and conservation measures. Combination of measures

33979. For these reasons it is declared to be the further policy of the State and the further purposes of this part: Purposes

(a) To promote and advance the urban renewal of blighted, deteriorated and deteriorating areas and the general welfare of the inhabitants of the communities in which such areas exist by the employment of all appropriate means.

(b) That whenever the urban renewal of blighted, deteriorated and deteriorating areas cannot be accomplished by private enterprise alone, without public participation and assistance in planning, in the acquisition of land, in the work of clearance, relocation of families and preparing the land for new building, in carrying out programs of voluntary or compulsory repair and rehabilitation of structures or other improvements, and in making site improvements and providing community facilities, it is in the public interest to employ the power of eminent domain and to advance or expend public funds for these purposes and otherwise to provide means by which blighted, deteriorated and deteriorating areas may be renewed.

(c) That the urban renewal of blighted, deteriorated and deteriorating areas and the provision of continuing land use and construction policies in them are public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state and community concern in the interest of the health, safety and general welfare of the people of the State and of the communites in which the areas exist.

(d) That the benefits which will result from the remedying of conditions of blight and the elimination and the prevention of the spread of blighted areas by the urban renewal of blighted, deteriorated and deteriorating areas shall accrue to all the inhabitants and property owners of the communities in which such areas exist.

(e) That the necessity in the public interest for the provisions of this part is a matter of legislative determination.

33980. In connection with the planning and undertaking of any urban renewal project, the agency, the community, the legislative body, the planning commission, and all public officers, agencies and bodies shall have all the powers, duties, rights, privileges and immunities which they have in respect to a redevelopment plan or a redevelopment project, in the same manner as though all the provisions of this part applicable to a redevelopment plan or a redevelopment project were applicable to an urban renewal plan or an urban re- Powers

newal project; provided, that the provisions of this section shall not apply to the taxation provisions of all of Article 4 of Chapter 5 of this part.

Specific authority

33981. In addition to the plans which an agency is otherwise authorized to prepare, an agency is hereby specifically authorized to prepare plans within urban renewal areas for urban renewal projects to include (1) a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, and (2) the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements. An agency is authorized to develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of conditions of blight and blighted areas.

Definitions

33982. For purposes of urban renewal and urban renewal planning and projects, the word "redevelopment" as used in this part shall mean "urban renewal," and the word "blighted" as used in this part shall mean "blighted, deteriorated or deteriorating"; provided, that the provisions of this section shall not apply in this chapter, nor in the definitions in Section 33013, as amended, Section 33013.01 and Section 33014, as amended, nor in the declaration of state policy of Article 2 of Chapter 1, nor in the provisions in reference to taxation in Article 4 of Chapter 5; and provided further, that this section shall not amend any section of this part or change the short title of this part or the corporate name of an agency.

Operative date

33983. The provisions for urban renewal in this chapter shall not become operative in any community unless and until the legislative body of the community declares, by resolution, that there is need for urban renewal in the community. The provisions of this chapter shall not grant to any such agency in any community powers which are now or hereafter granted to any other officer, board, or department of the community by charter or ordinance without the consent of the legislative body of such community by ordinance.

Substitution

33984. At any time following the adoption by the legislative body of a resolution declaring there is need for urban renewal in the community, the words "urban renewal" may be substituted for the word "redevelopment" wherever in this part the word redevelopment is used as part of the name of an agency, an administrative fund or a revolving fund established pursuant to this part; provided, that the provisions of this section shall not apply in any community unless and until the legislative body thereof, by resolution, declares that said provision shall be applicable

Relocation of displaced persons

33985. The urban renewal agency shall provide a feasible method for the temporary or permanent relocation of persons displaced from the urban renewal area and shall require that there be provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and

public and commercial facilities and at rents or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number available to such displaced persons and reasonably accessible to their places of employment.

Limitation

SEC. 7. Nothing in this act shall be construed as a determination by the Legislature that redevelopment agencies did not have some or all of the powers herein specified prior to this enactment; to the extent that such agencies have such powers prior to the effective date hereof, this act shall be construed as a restatement thereof.

CHAPTER 1697

An act to amend Section 19682 of the Government Code, relating to penalties for violations of the State Civil Service Act.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 19682 of the Government Code is amended to read:

19682. Every person who violates any provision of this chapter is guilty of a misdemeanor. Punitive action may be taken by the appointing power, or the executive officer of the board may file charges, against a state employee who violates any provisions of Article 1 of this chapter.

CHAPTER 1698

An act to amend Section 607a of the Code of Civil Procedure and to add Section 1093.5 to the Penal Code, relating to instructions to the jury in civil and criminal cases.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 607a of the Code of Civil Procedure is amended to read:

Proposed instructions

607a. In every case which is being tried before the court with a jury, it shall be the duty of counsel for the respective parties, before the first witness is sworn, to deliver to the judge presiding at the trial and serve upon opposing counsel, all proposed instructions to the jury covering the law as disclosed by the pleadings. Thereafter, and before the commencement of the argument, counsel may deliver to such judge, and serve upon opposing counsel, additional proposed instructions to the jury upon questions of law developed by the evidence

and not disclosed by the pleadings. All proposed instructions shall be typewritten, each on a separate sheet of paper. Before the commencement of the argument, the court, on request of counsel, must: (1) decide whether to give, refuse, or modify the proposed instructions; (2) decide which instructions shall be given in addition to those proposed, if any; and (3) advise counsel of all instructions to be given. However, if, during the argument, issues are raised which have not been covered by instructions given or refused, the court may, on request of counsel, give additional instructions on the subject matter thereof.

SEC. 2. Section 1093.5 is added to the Penal Code, to read:

Same Criminal cases

1093.5. In any criminal case which is being tried before the court with a jury, all requests for instructions on points of law must be made to the court and all proposed instructions must be delivered to the court before commencement of argument. Before the commencement of the argument, the court, on request of counsel, must: (1) decide whether to give, refuse, or modify the proposed instructions; (2) decide which instructions shall be given in addition to those proposed, if any; and (3) advise counsel of all instructions to be given. However, if, during the argument, issues are raised which have not been covered by instructions given or refused, the court may, on request of counsel, give additional instructions on the subject matter thereof.

CHAPTER 1699

An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1161 of the Code of Civil Procedure is amended to read:

Unlawful detainer Elements

1161. A tenant of real property, for a term less than life, or the executor or administrator of his estate heretofore qualified and now acting or hereafter to be qualified and act, is guilty of unlawful detainer:

1. When he continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him; provided such expiration is of a nondefault nature however brought about without the permission of his landlord, or the successor in estate of his landlord, if any there be; including the case where the person to be removed became the occupant of the premises as a servant, employee, agent, or licensee and the relation of master and servant or employer and employee or principal and agent or licensor and licensee has been lawfully terminated or the time fixed for such occupancy by the agree-

ment between the parties has expired; but nothing in this subdivision contained shall be construed as preventing the removal of such occupant in any other lawful manner; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

2. When he continues in possession, in person or by subtenant, without the permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him and if there is a subtenant in actual occupation of the premises, also upon such subtenant.

Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than 60 days after the expiration of the term without any demand of possession or notice to quit by the landlord or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord or successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year.

3. When he continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also, upon such subtenant. Within three days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; provided, if the conditions and covenants of the lease, violated by the lessee, cannot afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant, demanding the performance of the violated conditions or covenants of the lease

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant or held by a servant, employee, agent, or licensee, in case of his unlawful detention of the premises underlet to him or held by him.

4. Any tenant, subtenant, or executor or administrator of his estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises or using such premises for an unlawful purpose, thereby terminates the lease, and the landlord, or his successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provision of this chapter.

CHAPTER 1700

An act to add Title 11 to Part 2 of the Code of Civil Procedure, relating to releases from and contribution among joint tortfeasors.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Title 11 is added to Part 2 of the Code of Civil Procedure, to read:

TITLE 11. RELEASES FROM AND CONTRIBUTION AMONG JOINT TORTFEASORS

Contribution

875. (a) Where a money judgment has been rendered jointly against two or more defendants in a tort action there shall be a right of contribution among them as hereinafter provided.

(b) Such right of contribution shall be administered in accordance with the principles of equity.

(c) Such right of contribution may be enforced only after one tortfeasor has, by payment, discharged the joint judgment or has paid more than his pro rata share thereof. It shall be limited to the excess so paid over the pro rata share of the person so paying and in no event shall any tortfeasor be compelled to make contribution beyond his own pro rata share of the entire judgment.

(d) There shall be no right of contribution in favor of any tortfeasor who has intentionally injured the injured person.

(e) A liability insurer who by payment has discharged the liability of a tortfeasor judgment debtor shall be subrogated to his right of contribution.

(f) This title shall not impair any right of indemnity under existing law, and where one tortfeasor judgment debtor is entitled to indemnity from another there shall be no right of contribution between them.

(g) This title shall not impair the right of a plaintiff to satisfy a judgment in full as against any tortfeasor judgment debtor.

Pro rata share

876. (a) The pro rata share of each tortfeasor judgment debtor shall be determined by dividing the entire judgment equally among all of them.

(b) Where one or more persons are held liable solely for the tort of one of them or of another, as in the case of the liability of a master for the tort of his servant, they shall contribute a single pro rata share, as to which there may be indemnity between them.

Release, etc.

877. Where a release, dismissal with or without prejudice, or a covenant not to sue or not to enforce judgment is given in good faith before verdict or judgment to one or more of a number of tortfeasors claimed to be liable for the same tort—

(a) It shall not discharge any other such tortfeasor from liability unless its terms so provide, but it shall reduce the claims against the others in the amount stipulated by the release, the dismissal or the covenant, or in the amount of the consideration paid for it whichever is the greater; and

(b) It shall discharge the tortfeasor to whom it is given from all liability for any contribution to any other tortfeasors.

878. Judgment for contribution may be entered by one tortfeasor judgment debtor against other tortfeasor judgment debtors by motion upon notice. Notice of such motion shall be given to all parties in the action, including the plaintiff or plaintiffs, at least 10 days before the hearing thereon. Such notice shall be accompanied by an affidavit setting forth any information which the moving party may have as to the assets of defendants available for satisfaction of the judgment or claim for contribution.

879. If any provision of this title or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application and to this end the provisions of this title are declared to be severable.

Effective date

880. This title shall become effective as to causes of action accruing on or after January 1, 1958.

CHAPTER 1701

An act to free certain state lands from the public trust for navigation, commerce, and fisheries, and to empower the State Lands Commission to sell such lands.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. It is hereby determined that the following described land being a portion of the Guadalupe Canal, San Mateo County, California, is no longer necessary or useful for

navigation, commerce, and fisheries and such land is hereby freed from the public trust for navigation, commerce, and fisheries:

All that portion of the Guadalupe Canal (as said Guadalupe Canal is shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands, situate in the County of San Mateo, State of California, Prepared by Order of the Board of Tide Land Commissioners under the authority and in accordance with the provisions of an Act entitled 'An Act supplementary to, and amendatory of an Act, entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March Thirtieth, eighteen hundred and sixty-eight' approved April 1st, 1870"), lying west of the southwesterly line of that certain parcel of land described in the quitclaim deed from William H. Dinning, et ux, to Southern Pacific Company, recorded January 14, 1937 in Book 718 of Official Records of San Mateo County, California, at Page 486. EXCLUDING from said portion of the Guadalupe Canal the 152.50-foot wide right of way of California State Highway Division IV, San Mateo County, Route 68, Section A as said Highway right of way is particularly delineated on the map entitled "State of California, Department of Public Works, Division of Highways, Map showing additional ungranted or sovereign lands of the State of California in San Mateo County across Guadalupe Creek, needed as a Right of Way for the protection of State Highway Road IV-SM-68-A" which was approved for the State Lands Commission on June 20, 1951 by Rufus W. Putnam, Executive Officer, and is filed in the office of the State Lands Commission in Los Angeles, California.

Containing, after the exclusion of the above-mentioned 152.50-foot Highway right of way, 9.24 acres, more or less, and being subject to an existing outfall sewer easement granted to the County of San Mateo by the State of California.

SEC. 2. It is hereby determined that the accreted lands along Gallinas Creek in Marin County, California, and adjacent to that certain real property described in Section 3, are no longer necessary or useful for navigation or fisheries and such lands are hereby freed from the public trust for navigation and fisheries.

SEC. 3. The real property to which the accreted lands referred to in Section 2 are adjacent, are described as follows:

Beginning at a point on the shore line of San Pablo Bay distance 28 chains 81 links North of a granite monument set on the East line of Section 23, Township 2 North, Range 6 West, Mount Diablo Base & Meridian, 40 chains, 73 links North of the Southeast corner of Section 23; thence according to the true meridian along the said shore line at ordinary high tide, North 53¼° West 1 chain 83 links; thence North 34° West 1 chain 40 links; thence North 52¼° West 4 chains 25 links, thence South 21¾° West 3 chains; thence South 8¼° East 5 chains 30 links; thence South 62½° West 15 chains; thence

North 58½° West 36 chains 32 links to the North line of Section 23; thence East 13 chains 77 links along said North line to the South line of Gallinas Canal, thence South 79° 28′ East 30 chains 34 links; thence South 67° 12′ East 6 chains 8 links to the East line of Section 23; thence across Tide Lands South 2 chains 51 links to the point of beginning. Being a tract of tide lands in San Pablo Bay, designated as Lots numbered 1, 2, 3, 4 and 5 in Section 23 of said Township and containing an area of 46 13/100 acres, according to the Map of the Survey authorized in Section One of said supplementary and amendatory Act which map is entitled, "Map No. 3 of Salt Marsh and Tide Lands situate in the County of Marin, State of California.

SEC. 4. The State Lands Commission is authorized to sell, for value, and upon such terms and conditions and with such reservations and exceptions as in its opinion may be for the best interests of the State, all right, title, and interest of the State of California in and to the lands described in Sections 1 and 2 of this act, and upon payment to the commission of the consideration for the sale of such lands, a patent shall issue to the purchasers in the manner and with the effect provided in Sections 7729 and 7730 of the Public Resources Code.

SEC. 5. Any person or persons claiming an interest in the accreted lands described in Section 2 is and are hereby authorized to bring suit against the State of California to quiet title to such lands, or to obtain declaratory relief determining the validity of the title to such lands. In any such action the complaint and summons shall be served upon the Chairman of the State Lands Commission and upon the Attorney General.

CHAPTER 1702

An act to amend Section 372 of the Agricultural Code, relating to plant and animal industry.

[Approved by Governor July 5, 1957 Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 372 of the Agricultural Code is amended to read:

Livestock killed etc. on railroad Required reports

372. When any bovine animal is killed or injured upon the right of way of any railroad in this State, the owner or operator of the railroad equipment injuring or killing such animal shall report the fact as soon as possible but in no event later than 96 hours after the collision, giving a description of the animal; the brands and marks and the position of the brands and marks, if any, upon the animal; the location of the animal; and the location of the point of collision, listing the county, the nearest post office, and milepost. Such report shall be given by telephone, telegraph, or mail to the owner

of the animal if known. If the owner of such animal is unknown, such report shall be given to the office of the sheriff, constable, or brand inspector whose office or established headquarters is, to the knowledge of the railroad employee making the report, the nearest to the place of the collision. Reports by telephone shall be confirmed within 24 hours by telegraph or mail to the office of the sheriff with a copy to the Bureau of Livestock Identification. Upon receiving such report such officer or brand inspector shall attempt to ascertain the ownership of said animal and notify the owner of the death or injury of the animal. It shall be unlawful for any person to bury, conceal, or destroy any animal or do anything to the carcass thereof which will tend to make ascertainment of its ownership more difficult until the owner has been notified or the officer or brand inspector has identified the brands and marks, if any, and their position upon the animal.

CHAPTER 1703

An act to add Section 1696.4 to the Labor Code, relating to farm labor contractors.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1696.4 is added to the Labor Code, to read:

1696.4. All vehicles used by a farm labor contractor for the transportation of individuals in his operations as a farm labor contractor, and not owned by him, shall be registered with the commissioner. The registration shall include the name of the owner and driver of the vehicle, and the license number and description of the vehicle. The commission shall require, as a condition of registration, that the farm labor contractor submit evidence showing that he has in effect an insurance policy applicable to such vehicle, as required by Section 1695.

A farm labor contractor using such vehicles not owned by him shall do so only on a fixed fee basis and not upon a rental based upon a percentage of his earnings.

CHAPTER 1704

An act to add Section 1682.3 to the Labor Code, relating to farm labor.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1682.3 is added to the Labor Code, to read:

1682.3. "Farm labor contractor" includes any "day hauler." "Day hauler" means any person who is employed by a farm labor contractor to transport, or who for a fee transports, by motor vehicle, workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person.

CHAPTER 1705

An act to add Section 1696.2 to the Labor Code, relating to farm labor.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1696.2 is added to the Labor Code, to read:

1696.2. All vehicles used by a licensee for the transportation of individuals in his operations as a farm labor contractor shall have displayed prominently at the entrance of such vehicle the name of the farm labor contractor and the number of his license as issued by the Labor Commissioner pursuant to this chapter.

CHAPTER 1706

An act to add Section 1696.3 to the Labor Code, relating to operation of motor vehicles in the transporation of farm laborers.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1696.3 is added to the Labor Code, to read:

1696.3. Any farm labor contractor or person employed by a farm labor contractor who operates a bus or truck regularly in the transportation of individuals in connection with the business, activities, or operations of a farm labor contractor shall be licensed as a chauffeur by the Department of Motor Vehicles.

CHAPTER 1707

An act to add Section 8710.1 to the Water Code, relating to flood control.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 8710.1 is added to the Water Code, to read:

8710.1. The provisions of Section 8710 shall not apply to any work of interior irrigation or drainage upon reclaimed land, which work is not actually on, through, or adjoining any flood control works under the jurisdiction of the board.

CHAPTER 1708

An act to amend Sections 6746, 6775 and 6799 of the Business and Professions Code, relating to the practice of engineering.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 6746 of the Business and Professions Code is amended to read:

Plans, etc., not subject

6746. Plans, specifications, reports and documents relating to communication lines and equipment prepared by employees of communications companies which come under the jurisdiction of the Public Utilities Commission, and by employees of contractors while engaged in work on communication equipment for communications companies which come under the jurisdiction of the Public Utilities Commission, are not subject to the provisions of this chapter.

SEC. 2. Section 6775 of said code is amended to read:

Investigations

6775. The board may receive and investigate complaints against registered professional engineers, and make findings thereon.

Disciplinary action

By a majority vote, the board may reprove, privately or publicly, or may suspend for a period not to exceed two years, or may revoke the certificate of any professional engineer registered hereunder:

Same Grounds

(a) Who has been convicted of a felony, arising from or in connection with the practice of engineering, or of a crime involving moral turpitude, in which case the certified record of conviction shall be conclusive evidence thereof.

(b) Who has not a good character.

(c) Who has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud or incompetency in his practice.

(d) Who has been found guilty of any fraud or deceit in obtaining his certificate or violation of any provision of this chapter.

(e) Who aids or abets any person in the violation of any provisions of this chapter.

(f) Who violates any provision of this chapter.

SEC. 3. Section 6799 of said code is amended to read:

6799. The amount of the fees prescribed by this chapter is that fixed by the following schedule: Fee schedule

(a) The fee for filing each application for registration as a professional engineer is twenty dollars ($20), for authority to use the title "structural engineer" is twenty-five dollars ($25) and for each application for certification as engineer-in-training is ten dollars ($10).

(b) The registration fee for professional engineer is ten dollars ($10) for each certificate issued.

(c) The duplicate certificate fee is one dollar ($1).

(d) The temporary registration fee for professional engineer is ten dollars ($10).

(e) The structural engineer's certificate of authority fee is ten dollars ($10).

(f) The annual renewal fee for professional engineer shall be fixed by the board at not more than eight dollars ($8) and not less than four dollars ($4) for each branch of professional engineering in which registration is held; and the annual renewal fee for authority to use the title "structural engineer" is three dollars ($3).

(g) The penalty for delinquency of the annual renewal fee is four dollars ($4).

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

CHAPTER 1709

An act to amend Section 7551 of, and to add Sections 7553.1 and 7553.2 to, the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 7551 of the Business and Professions Code is amended to read:

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

Same Grounds

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

(b) Violated any provisions of this chapter.

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

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

(e) Without the consent of the person in lawful possession entered any building or portion thereof.

(f) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

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

(h) Wilfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

(i) Committed assault, battery, or kidnapping.

(j) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.

(k) Acted as a runner or capper for any attorney.

(*l*) Been convicted of a violation of Section 148 of the Penal Code.

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

SEC. 2. Section 7553.1 is added to said code, to read:

Same

7553.1. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Used a title or worn a badge or uniform or insignia with the intent to deceive the public, which is likely to be confused with that of any law enforcement officer of the Federal Government, a state or any political subdivision thereof;

(b) Used any letterhead, advertisement or other printed matter, or in any manner whatever represented that he is an instrumentality of the Federal Government, a state or any political subdivision thereof;

(c) Used a name different from that under which he is currently licensed in any advertisement, solicitation, or contract for business.

SEC. 3. Section 7553.2 is added to said code, to read:

7553.2. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has committed any act in the course of the licensee's business constituting dishonesty or fraud. Same

"Dishonesty or fraud" as used in this section includes, in addition to other acts not specifically enumerated herein:

(a) Knowingly making a false statement relating to evidence or information obtained in the course of employment, or knowingly publishing a slander or a libel in the course of business;

(b) Using illegal means in the collection or attempted collection of a debt or obligation;

(c) Manufacture of evidence;

(d) Acceptance of employment adverse to a client or former client relating to a matter with respect to which the licensee has obtained confidential information by reason of or in the course of his employment by such client or former client.

CHAPTER 1710

An act to add Section 7210.5 to the Business and Professions Code, relating to guide dogs for the blind.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7210.5 is added to the Business and Professions Code, to read:

7210.5. It is unlawful to solicit funds for any person purporting to provide guide dogs for the blind in this State unless the person for whose benefit the solicitation is made holds a valid and unimpaired license issued by the State Board of Guide Dogs for the Blind.

As used in this section "person" means an individual, firm, partnership, association, corporation or cooperative association.

CHAPTER 1711

An act to amend Sections 7342, 7382, 7393.1 and 7431 of, and to repeal Sections 7347 and 7377 of, the Business and Professions Code, relating to the practice of cosmetology.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7342 of the Business and Professions Code is amended to read:

Electrologist Examination

7342. The board shall admit to examination for a certificate of registration and license as an electrologist, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

Qualifications

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the twelfth grade, or an accredited senior high school, in public schools of this State or its equivalent.

(d) Who has had any one of the following:

(1) Practical training of 500 hours extending over a period of not less than four months, under the immediate supervision of a licensed electrologist, in a licensed school in which the practice is taught.

(2) Instruction, training and practice as a junior electrologist for a period of not less than 12 months, in a licensed cosmetological establishment, under a licensed electrologist.

(3) Holds a valid electrology license issued by a state whose licensing requirements are equal to or greater than California.

(4) Either training or practice, or a combination of training and practice, outside of this State in electrology for such period as may be specified by rules of the board.

Repeals

SEC. 2. Sections 7347 and 7377 of said code are hereby repealed.

SEC. 3. Section 7382 of said code is amended to read:

Licensee in charge

7382. A cosmetological establishment shall, at all times, be in charge of a licensed hairdresser and cosmetician or cosmetologist, except that if the operations within the establishment are limited to the practice of electrology, such establishment may, at all times, be in charge of a licensed electrologist.

SEC. 4. Section 7393.1 of said code is amended to read:

Instructors to be licensed

7393.1. Every person employed in a school to instruct students in the subject of electrology shall be licensed as an electrology instructor.

SEC. 5. Section 7431 of said code is amended to read:

Grounds for disciplinary action

7431. The grounds for disciplinary action are as follows:

(a) Failure of a person, firm or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter.

(b) Failure to comply with the rules governing sanitary conditions, adopted by the board and approved by the State Department of Public Health, for the regulation of cosmetological establishments, schools of cosmetology or the practice of the occupations of a hairdresser and cosmetician or cosmetologist.

(c) Obtaining practice in cosmetology, or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Habitual drunkenness, or habitual addiction to the use of morphine or any habit-forming drug.

(g) Advertisement by means of knowingly false or deceptive statements.

(h) Permitting a certificate of registration or license to be used where the holder is not personally, actively and continuously engaged in business.

(i) Failure to display the license.

(j) Conviction of any crime involving moral turpitude, in which case the record of conviction or a certified copy, shall be conclusive evidence thereof.

(k) Engaging, outside of a licensed school of cosmetology or cosmetological establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is necessary because of the illness or other physical incapacity of the person with respect to whom it is performed, it may be performed by a licensee obtained for the purpose from a licensed cosmetological establishment.

CHAPTER 1712

An act to add Sections 7096, 7097, and 7098 to the Business and Professions Code, relating to contractors.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7096 is added to the Business and Professions Code, to read:

7096. For the purposes of Sections 7097 and 7098 the term "licensee" shall include an individual, copartnership, corporation, or any combination or organization licensed under this chapter, and shall also include any named responsible managing officer or member of the personnel of such licentiate whose appearance has qualified the licentiate under the provisions of Section 7068. "Licensee"

SEC. 2. Section 7097 is added to said code, to read:

7097. Notwithstanding the provisions of Sections 7121 and 7122, when any license has been suspended following a hearing under the provisions of this article, any additional license issued under this chapter in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of Section 7068, may be suspended by the registrar without further notice. Suspension of additional license

SEC. 3. Section 7098 is added to said code, to read:

7098. Notwithstanding the provisions of Sections 7121 and 7122, when any license has been revoked following a hearing under the provisions of this article, any additional license issued under this chapter in the name of the licensee or for which the licensee furnished qualifying experience and ap- Revocation of additional license

pearance under the provisions of Section 7068, may be revoked by the registrar without further notice.

CHAPTER 1713

An act to amend Sections 8560 and 8561 of the Business and Professions Code, relating to structural pest control.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 8560 of the Business and Professions Code is amended to read:

Classification of licenses

8560. (a) Licenses issued to operators or field representatives shall be limited to the branch or branches of pest control for which the applicant has qualified by application and examination. For the purpose of delimiting the type and character of work authorized by the various branch licenses hereinafter set forth, the practice of pest control is classified into the following branches, namely,

Same Classes

Branch 1. Fumigation. The practice relating to the control of household and wood destroying pests or organisms by fumigation with poisonous or lethal gases.

Branch 2. General Pest. The practice relating to the control of household pests, excluding fumigation with poisonous or lethal gases.

Branch 3. Termite. The practice relating to the control of wood destroying pests or organisms by the use of insecticides, or structural repairs and corrections, excluding fumigation with poisonous or lethal gases.

The board may issue a license for a combination of two or more branches for which an applicant qualifies under the provisions of this chapter, and such combination license shall be considered one license for the purpose of determining the fee to be charged under Section 8674.

Renewal

Each person holding a license under former subdivision (a) of this section, upon applying for a renewal thereof, shall be issued a license according to the following:

(a) Each person holding a Group A license shall be issued a license in Branches 1, 2, and 3.

(b) Each person holding a Group B license shall be issued a license in Branches 2 and 3.

(c) Each person holding a Group C license shall be issued a license in Branches 1 and 2.

(d) Each person holding a Group D license shall be issued a license in Branch 3.

(e) Each person holding a Group D Special License shall be issued a license in Branches 1 and 3.

(f) Each person holding a license in Groups E, F, G, H, and I, shall be issued a license in Branch 2.

(b) Unless otherwise authorized by the board, all written examinations shall be in ink in books supplied by the board. All examination papers shall be kept for a period of one year, upon the expiration of which such papers may be destroyed on order of the board. Each applicant for license shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examination papers are graded No person shall be admitted to the examination room except members of the board, the examining personnel, and the applicants for license. Examinations

(c) The board shall make rules and regulations for the purpose of securing fair, impartial, and proper examinations.

(d) Licensees of any branch may be licensed in other branches upon complying with the requirements for qualification and by examination in such other branches. No failure of the licensee to pass examination in such other branch or branches shall have any effect on existing licenses.

(e) Such examinations shall be in each of the subjects specified in the branch or branches relating to the respective applications. License according to such applications shall be granted to any applicant who shall make a general average of not less than 70 percent on all the subjects of such branch or branches; provided, that any applicant who makes a grade of less than 50 percent in any one subject or who makes a grade of less than 70 percent in the subjects of fumigation and identification of insects, or either, when such subjects are included in the branch for which license is applied, shall not be passed or licensed regardless of any general average attained by such applicant.

SEC. 2. Section 8561 of said code is amended to read:

8561. Any person may apply for an operator's license; however, an individual applicant must be 21 years of age or over. Applicants' qualifications

(a) If the applicant is an individual, he shall possess the qualifications and be examined as hereinafter prescribed. If such individual qualifies for an operator's license, as herein prescribed, the board shall issue to him an operator's license.

(b) If the applicant is a partnership, it shall designate a partner to be the qualified partner for the partnership entity or an employee designated as its responsible natural person, and such partner or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such partner or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the partnership, naming therein the partner or responsible natural person qualified to act as operator for the partnership. Such partner or responsible natural person may engage in pest control on behalf of the partnership only, so long as he remains a partner thereof, but he may become associated with another partnership, or with a firm or corporation, in a capacity other than as a qualifying partner, responsible natural person or qualifying officer.

(c) If the applicant is an association or corporation, it shall designate an officer thereof or a responsible natural person employed or to be employed by it to be the qualified officer or responsible natural person for the association or corporation entity. Such officer or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such officer or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the association or corporation, as the case may be, naming therein the officer or responsible natural person qualified to act as operator for the association or corporation. Such officer or responsible natural person may engage in pest control on behalf of the association or corporation only so long as he remains in such capacity for the association or corporation, but he may become associated with another association or corporation, or with a firm or partnership, in a capacity other than as a qualifying officer, responsible natural person, or partner.

Operative date

SEC. 3. Section 1 of this act shall become operative on July 1, 1958.

CHAPTER 1714

An act to add Section 7745.1 to the Education Code, relating to apportionments of state school building aid funds.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 7745.1 is added to the Education Code, to read:

7745.1. Notwithstanding any provision of law to the contrary, if an apportionment is or has been made at any time after October 1, 1953, to meet a construction low bid and if the State Allocation Board after approving such apportionment revises the apportionment, and the apportionment finally approved reveals that an applicant school district receives excess construction area to what they are entitled to pursuant to Section 7717, and if a judgment for the collection of such excess apportionment has not been rendered by a court prior to the effective date of this section, such excess apportionment shall be computed by the State Controller and shall be repaid pursuant to this section. The district shall repay the amount of excess apportionment, and the interest thereon, in equal annual installments within 20 years from the date it receives the excess apportionment. The rate of interest shall be the same rate as that fixed for the approved apportionment. The district may at any time before the end of the 20-year period for repayment elect to repay, and repay, the balance of the excess apportionment then unpaid, plus interest computed to the date of repayment of such balance.

CHAPTER 1715

An act to amend Section 439.40 of the Agricultural Code, relating to regulation and licensing of dogs.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 439.40 of the Agricultural Code is amended to read:

439.40. The board of supervisors shall fix the compensation of the county clerk for issuing dog license tags and shall also fix the fee for impounding any dog and the amount to be paid for keeping the dog, which shall not be more than twenty-five cents ($0.25) for each day that the dog is kept.

CHAPTER 1716

An act to amend Sections 7015 and 7846 of the Elections Code, relating to the canvass of ballots.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 7015 of the Elections Code is amended to read:

7015. The canvass shall be conducted by at least four members of the precinct board, in the following manner: All ballots shall be unfolded and examined for any irregularities. Any illegal ballots shall be rejected in the manner set forth in Section 7011. Those ballots not rejected shall be placed open in one pile, and the board shall proceed to count by taking off the vote for one or more offices or measures at a time. In the case of a primary election, the unrejected ballots shall be segregated on the basis of political parties prior to placing them in one pile. Canvassing ballots

SEC. 2. Section 7846 of said code is amended to read:

7846. After all the ballots are deposited in the box, the box shall be thoroughly shaken. All ballots shall be unfolded and examined for any irregularities. Any illegal ballots shall be rejected in the manner set forth in Section 7011. Those ballots not rejected shall be placed open in one pile, and the board shall proceed to count by taking off the vote for one or more offices or measures at a time. In the case of a primary election, the unrejected ballots shall be segregated on the basis of political parties prior to placing them in one pile. Same

CHAPTER 1717

An act to amend Section 26104 of the Government Code, relating to advertising by county board of supervisors.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 26104 of the Government Code is amended to read:

26104 The board of supervisors may create a body for the purpose of advising and assisting it in the matter of advertising, exploiting, and making known the resources of the county, for the purposes of this chapter. The body shall be designated by the board as the county board of trade of the county or the county chamber of commerce of the county or such other title as shall be given the body by resolution of the board of supervisors. It shall consist of one member from each supervisorial district who shall be appointed by the board of supervisors and hold office at the pleasure of the board of supervisors.

CHAPTER 1718

An act to amend Section 25502.4 of the Government Code, relating to county purchasing.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 25502.4 of the Government Code is amended to read:

25502.4. In counties having a population of less than 900,000 the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed two thousand dollars ($2,000).

CHAPTER 1719

An act to amend Sections 25457 and 25463 of the Government Code, relating to county contracts.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 25457 of the Government Code is amended to read:

25457. In counties employing a purchasing agent, furnishings, materials, supplies and employment of independent contractors used in the construction or repair of any of the works mentioned in Section 25450 costing not more than two thousand dollars ($2,000) in total may be purchased by the purchasing agent in accordance with Article 7 of this chapter without the formality of obtaining bids, letting contracts, preparing specifications, and the other things required by this article and said Article 7 for purchases or contracts costing more than two thousand dollars ($2,000). Purchase of materials, etc

SEC. 2. Section 25463 of said code is amended to read:

25463. The board shall not pay or become liable for any extra work done on, or extra material furnished for, any building or structure in the course of performance of a contract let pursuant to this article except in accordance with Section 25466, unless the contract specifically provides for such payment or the contract is changed or modified in the manner provided for in this article. Extra work or material

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CHAPTER 1720

An act to amend Sections 19031, 19071, 19160, 19161, and 19180 of the Streets and Highways Code, relating to lighting districts.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 19031 of the Streets and Highways Code is amended to read:

19031. Proceedings for the formation of a highway lighting district may be instituted by filing, at a regular meeting of the board of supervisors of the county in which the proposed district to be benefited thereby is situated, a petition signed by 15 or more taxpayers thereof or by the owners of taxable property representing 60 percent or more of the total assessed valuation of all taxable property within the proposed district. Petition

SEC. 2. Section 19071 of the Streets and Highways Code is amended to read:

19071. If the board finds that the petition was signed by taxpayers representing 60 percent or more of the total assessed valuation of all taxable property within the territory therein proposed to be formed into a district, and within the boundaries thereof as finally established by the board, and that public interest and convenience do not require that an election be held upon the proposed formation of said district, it may proceed to establish the district by resolution. The provisions of Section 19112 shall apply to a district formed pursuant to this section. Establishment by resolution

Petition

SEC. 3. Section 19160 of said code is amended to read:

19160. In any year, a petition, signed by 20 or more taxpayers of the district asking for the installation and maintenance of additional lights may be filed with the governing body.

Financing for installation and maintenance

SEC. 4. Section 19161 of said code is amended to read:

19161. Upon receipt of the petition, if the governing body determines that it will be just and equitable and in the public interest for the additional cost, if any, of installation and maintenance of said additional lights to be paid by the district as a whole, it shall immediately estimate the cost of installing and maintaining the additional lights, and shall use such reserve funds as may have been accumulated for such purposes to the extent necessary and shall include in the regular tax levy for the first fiscal year in which it is possible to do so, a tax upon the taxable property within the district, at the equalized value thereof for that year, sufficient to pay the cost of installing and maintaining for one year the additional lights. If sufficient reserve funds are available or will be available from tax levy already made or after the tax levy has been made the governing body shall proceed with the installation of the additional lights.

Same

SEC. 5. Section 19180 of said code is amended to read:

19180. On or before the first day of September of each year, the governing body shall make an estimate of the cost of conducting and maintaining the lighting district for the ensuing fiscal year, and shall include therein the cost of installing and maintaining such additional lights as may have been petitioned for by the residents of the district as well as the cost of any other things which may be necessary or proper for carrying out the purposes of this part, including a levy of tax not to exceed 10 percent of the total levy for other purposes for the purpose of accumulating reserve for installation of additional lights which in the opinion of the governing board may be petitioned for before the proceeds of another tax levy will be available for use for such purposes.

CHAPTER 1721

An act to add Articles 12 (commencing at Section 14316) and 8.5 (commencing at Section 14225) to Chapter 1, Part 3, Division 12 of the Health and Safety Code, relating to fire protection districts.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Article 12 (commencing at Section 14316) is added to Chapter 1, Part 3, Division 12 of the Health and Safety Code, to read.

Article 12. Adjustment of Boundaries

Boundary adjustments Petition

14316. The owner of contiguous real property which is located in two or more districts may petition the board of supervisors to adjust the boundaries of the districts so that all such property will be included in a single district.

Hearing on petition

14317. The board of supervisors, upon receipt of a petition, shall fix a time for hearing the petition and for hearing protests to the adjustment of the boundaries of the districts and shall give due notice of the hearing to the various districts concerned.

Granting of petition

14318. The board of supervisors shall consider and pass upon all objection to the adjustment of the boundaries and may, if it finds that the adjustment of the boundaries will not make the further existence of any of the districts impracticable, grant the petition.

When effective

14319. The adjustment of the boundaries of the districts shall be effective upon the filing with the State Board of Equalization, the governing bodies of the districts concerned, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the board of supervisors describing the manner in which the boundaries of the districts are to be adjusted and declaring them so adjusted.

Taxation of withdrawn property

14320. Property withdrawn from a district by an adjustment of the boundaries of the district pursuant to this article shall continue to be subject to tax, levied as provided in Section 14160, to pay the principal of and interest on bonds of the district outstanding at the time of the adjustment of the district's boundaries.

SEC. 2. Article 8.5 (commencing at Section 14225) is added to Chapter 1, Part 3, Division 12 of the Health and Safety Code, to read:

Article 8.5. Adjustment of Boundaries

Petition

14225. The owner of contiguous real property which is located in two or more districts may petition the board of supervisors to adjust the boundaries of the districts so that all such property will be included in a single district.

Hearing on petition

14226. The board of supervisors, upon receipt of a petition, shall fix a time for hearing the petition and for hearing protests to the adjustment of the boundaries of the districts and shall give due notice of the hearing to the various districts concerned.

Granting of petition

14227. The board of supervisors shall consider and pass upon all objection to the adjustment of the boundaries and may, if it finds that the adjustment of the boundaries will not make the further existence of any of the districts impracticable, grant the petition.

When effective

14228. The adjustment of the boundaries of the districts shall be effective upon the filing with the State Board of Equalization, the governing bodies of the districts concerned, the county clerk or registrar of voters, and the county as-

sessor, of copies of a resolution of the board of supervisors describing the manner in which the boundaries of the districts are to be adjusted and declaring them so adjusted.

Taxation of withdrawn property

14229 Property withdrawn from a district by an adjustment of the boundaries of the district pursuant to this article shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of the adjustment of the district's boundaries.

Effect Stats 1957, Ch 1624

SEC. 3. Section 2 of this act becomes operative only if Senate Bill No. 1091 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Chapter 1 (commencing with Section 14001), Part 3, Division 12 of the Health and Safety Code as added by that bill takes effect, at which time Article 12 (commencing at Section 14316), Chapter 1, Part 3, Division 12 of the Health and Safety Code as added by Section 1 of this act is repealed.

CHAPTER 1722

An act to amend Sections 1708, 1708.7, 1709.2 and 1712 of the Insurance Code, to add Sections 1708.8, 1709.3, 1709 4, 1713, 1713.7 and 1715 to the Insurance Code, to repeal Sections 1709, 1713, 1713.6, 1713.65 and 1713.7 of the Insurance Code, and to repeal, effective January 2, 1959, Section 1709.1 of the Insurance Code, relating to insurance producers licenses of life, life and disability, and disability agents.

In effect September 11, 1957

[Approved by Governor July 5, 1957 Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1708 of the Insurance Code is amended to read:

Certificate of appointment

1708. In lieu of proceeding under Sections 1704 and 1705, a person who is licensed as a life agent of any type for one or more insurers may be licensed to transact any class of insurance which he is entitled to transact under any existing life agent's license for one or more additional insurers by the filing with the commissioner of a certificate of appointment by such insurer.

Such certificate of appointment shall, for the purposes of this article, be included within the meaning of the word "application" for the purposes of fees, procedures and administration.

The certificate of appointment shall bear written evidence of acceptance of the appointment by the agent. Unless the license of the life agent is suspended by the commissioner, the appointment shall remain in effect until the end of the license term in which it is filed, until canceled by the insurer, or

until the license of the agent is revoked, whichever event first occurs. License term as used herein shall mean the term covered by the payment of a single filing fee.

Upon the filing of a certificate of appointment pursuant to this section, or an application and statement pursuant to Sections 1704 and 1705, the commissioner shall, subject to the provisions of this article, issue to the person appointed a license to act as life agent.

SEC. 2. Section 1708.7 of the Insurance Code is amended to read:

License term

1708.7. Commencing with January 1, 1958, except as provided in Section 1708.8, all licenses issued under this article shall be for a license term of 18 months to July 1, 1959, and thereafter for a license term of two years, commencing July 1, 1959. Such licenses may be issued for all of the said terms, or upon application made during any term for the balance thereof. After July 1st of 1960 and each even-numbered year thereafter, the commissioner shall, irrespective of any license application or renewal application which the licensee may have filed, send a questionnaire to each person licensed under this article receiving total commissions on life and disability insurance transacted under any and all licenses issued pursuant to this article of less than one thousand dollars ($1,000), as shown in the last application for renewal filed with the commissioner. Such questionnaire shall be in a form prescribed by the commissioner, shall be verified, shall disclose whether there has been compliance with Section 760.5 of this code, and may include questions to disclose whether there has been compliance with such other provisions of this code as the commissioner may determine. The commissioner may send the same or another form of questionnaire to any or all classes or persons licensed under this article. Failure by the licensed person within 60 days from the mailing date thereof to answer, verify and return such questionnaire to the commissioner shall be grounds for the suspension or revocation of the license of the particular licensed person to which the questionnaire appertains.

Questionnaire

SEC. 3. Section 1708.8 is added to the Insurance Code, to read:

License periods

1708.8. Any application for license under this article to represent as agent an insurer for which the applicant held no license, issued pursuant to this article, during any portion of the preceding or current two-year license term provided for in Sections 1708.7, may, at the option of the applicant, be for a license ending with the next June 30th. The provisions of Sections 1709.1 or 1709.4 shall not apply to such a license, unless such application so specifies, at the election of the applicant. The fee for filing such an application shall be the amount specified for one license year. Except as hereinafter limited applications for renewal of such a license either under Section 1709.3 or Section 1709.4 may, at the election of the licensee,

be for terms of one license year ending with June 30th, at the appropriate fee for such shorter term. If such license be first issued in a license year which commenced with July 1st, of an even-numbered year two such renewals for a term of one license year may be made, otherwise only one.

Repeal

SEC. 4. Section 1709 of the Insurance Code is repealed.

Repeal

SEC. 5. Section 1709.1 of the Insurance Code is repealed, effective January 2, 1959.

SEC. 6. Section 1709.2 of the Insurance Code is amended to read:

Permanent license to certificate holder

1709.2. If a holder of a certificate of convenience becomes entitled to a permanent license after the expiration of the license year during which his certificate was issued, a permanent license shall be issued to him upon payment of the fee required for filing application for renewal of such a permanent license. If he fails to pay this fee within 60 days after notice of eligibility for permanent license, he forfeits his right to permanent license and all privileges under his certificate of convenience terminate. This section shall not operate to extend any certificate of convenience beyond six months from the issuance thereof. For the purpose of this section a license issued pursuant to either Section 1708.7 or Section 1708.8 is a permanent license.

SEC. 7. Section 1709.3 is added to the Insurance Code, to read:

Application for renewal

1709.3. (a) Application for renewal of a license may be filed on or before April 15th of 1959 and each applicable year thereafter upon payment of the applicable fee for filing specified in Section 1713.

(b) Such application for renewal of a license may be filed between April 15th and July 1st of such year upon payment of a fee two times the applicable fee specified in Section 1713 for such filing.

(c) The licensee must file a separate 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 application.

Failure to file

(d) Upon failure to file application for any insurer as provided in either (a) or (b) hereof, the license to act for such insurer shall expire on July 1st of the applicable year, but the holder may file an application for a new license until June 30th of the next succeeding year, for a fee two times the applicable fee specified in Section 1713 for such filing. An applicant filing pursuant to this subdivision shall not be required to take again the qualifying examination. The commissioner shall mail notice of such expiration not later than June 20th of the applicable year to the licensee. Failure to mail such notice shall not continue the right to a license.

Commissioner's record

(e) The commissioner shall maintain for a reasonable time readily available for inspection of appointing insurers the names and addresses of licensees to whom notice of expiration of licenses were mailed pursuant to subdivision (d) hereof,

or may, in lieu thereof, prepare and mail to all insurers making request for the same a listing of such names and addresses.

(f) No 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. Filing application

(g) Where there is any conflict between the provisions of this section and Section 1708.8, the provisions of Section 1708.8 shall control.

SEC. 8. Section 1709.4 is added to the Insurance Code, to read:

1709.4. If any person be unlicensed under this article on April 1, 1959, or of any odd-numbered year thereafter, the commissioner shall not issue any permanent license with a term of less than one year to such person between said April 1st and the succeeding July 1st unless the person shall have also filed an application for renewal of the license for that period directly following such July 1st to which such application for renewal relates and shall have paid the fee for filing specified in Section 1713. As to the filing of such renewal application, the provisions of Section 1709.3 shall not be applicable. Term of permanent license

SEC. 9. Section 1712 of the Insurance Code is amended to read:

1712. The commissioner shall charge and collect in advance, as a fee for filing application to be given a qualifying examination provided in this article, three dollars ($3) for each person taking such examination. At the time of filing any application for a license to be issued under this article, if a qualifying examination is required for issuance of or in connection with such license, the fee for filing the first application to take the qualifying examination or examinations shall be paid at the time of filing application for the license. Fees Examination

SEC. 10. Section 1713 of the Insurance Code is repealed. Repeal

SEC. 11. Section 1713 is added to the Insurance Code, to read:

1713. The commissioner shall require in advance as a fee for filing an application for the hereinafter designated licenses the amount specified as to each such license multiplied by the number of license years in the term of the license applied for, counting any initial fractional license year of such term as one year for such purpose (except that for the partial license term from January 1, 1958, to July 1, 1959, the whole fee shall be one and one-half times the amount so specified), as follows: Fees

(a) For license by appointment as a life only agent, life and disability agent, or disability only agent (except an appointment of agent licensed under Article 1 of this chapter as provided in Section 1703), two dollars ($2).

(b) For license as life only, life and disability or disability only agent, two dollars ($2).

(c) For license as a nonresident life only, life and disability or disability only agent, the following amounts:

(1) In the case of an applicant residing within 50 miles of the boundary of the State of California, whose normal operations would include the transaction of insurance on both sides of that boundary, two dollars ($2).

(2) In all other cases, ten dollars ($10).

(d) For registration of change in membership of a copartnership licensed pursuant to Section 1703.97, the amount shall be the aggregate of the products of the sums specified in (a), (b) and (c) above for each type of life agent's license which such copartnership holds multiplied by the number of insurers which such copartnership represents under such type of license.

Repeal SEC. 12. Section 1713.6 of the Insurance Code is repealed.

Repeal SEC. 13. Section 1713.65 of the Insurance Code is repealed.

Repeal SEC. 14. Section 1713.7 of the Insurance Code is repealed.

SEC. 15. Section 1713.7 is added to the Insurance Code, to read:

Fee for first amendment 1713.7. The fee for filing the first amendment to any application for license by appointment, application for original license or application for renewal of license, or for filing any such document as first amended is one dollar ($1).

SEC. 16. Section 1715 is added to the Insurance Code, to read:

"License year" 1715. "License year" as used in this article means the term from any July 1st to the next June 30th.

CHAPTER 1723

An act to repeal Sections 1678, 1678.5, 1679, and 1679.1 of, to amend Section 12977 of, and to add Sections 1678, 1678.01, 1678.05, 1678.5, 1678.6, 1679, and 1679.1 to, the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

Repeals SECTION 1. Sections 1678, 1678.5, 1679, and 1679.1 of the Insurance Code are repealed.

SEC. 2. Section 1678 is added to said code, to read:

Filing fees 1678. The commissioner shall require in advance as a fee for filing application for the hereinafter designated licenses or changes in outstanding licenses the amount specified as to each such license multiplied by the number of license years in the term of the license applied for or the remaining term of an existing license counting any initial fractional license year of such term as one year for such purpose, as follows:

(a) Individual insurance broker, ten dollars ($10).

(b) Individual insurance agent or solicitor, four dollars ($4).

(c) Copartnership, association or corporate broker, ten dollars ($10) for each person named therein to exercise the brokerage powers.

(d) Copartnership, association or corporate insurance agent, four dollars ($4) for each person named therein to exercise the agency powers.

(e) Endorsement adding persons named in a license as entitled to exercise brokerage powers, ten dollars ($10) for each name so added.

(f) Endorsement adding to the persons named in a license as entitled to exercise agency powers, four dollars ($4) for each person so added.

(g) Registration of change in membership of a copartnership named as an insurance broker, ten dollars ($10).

(h) Registration of change in membership of a copartnership licensed as an agent, four dollars ($4).

(i) Any certificate of convenience, the same amount as is specified for a license to act in the same capacity.

(j) Renewal of license for a further term, however expressed in this code, the same amount as herein specified for the particular license for original filing

SEC. 3. Section 1678 01 is added to said code, to read:

Same

1678.01. The commissioner shall also require in advance as a fee for filing the documents hereinafter designated the amount specified as to each as follows:

(a) Application to be given the qualifying examination for a license under this article, five dollars ($5) for each person taking such examination.

(b) First amendment to an application or first amended application, one dollar ($1).

(c) Application for an endorsement removing from any license the name of any person theretofore designated as entitled to exercise agency or brokerage powers, one dollar ($1).

"License year"

"License year" as used in this article means the term from any July 1st to and including June 30th of the following calendar year.

SEC. 4. Section 1678.05 is added to said code, to read:

Fees When payable

1678.05. At the time of filing an application for a license, if a qualifying examination is required for issuance of or in connection with such license, the fee for filing the first application to take such qualifying examination shall be paid at the time of filing application for the license.

SEC. 5. Section 1678.5 is added to said code, to read:

Term of Licenses

1678.5. Commencing with July 1, 1958, except as provided in Section 1678.6, all licenses issued under this article shall be for a license term of two years. Such licenses may be issued for all of such two-year period, or, upon application made during any such period, for the balance thereof. After July 1st of any odd-numbered year, the commissioner shall, irrespective of any license application or renewal application

Questionnaire

which the licensee may have filed, send a questionnaire to each licensee under this article receiving total premiums on insurance transacted under any and all licenses issued pursuant to this article of less than ten thousand dollars ($10,000), as shown in the last application for renewal filed with the commissioner. Such questionnaire shall be in a form prescribed by the commissioner, shall be verified, shall disclose whether there has been compliance with Section 760 of this code, and may include questions to disclose whether there has been compliance with such other provisions of this code as the commissioner may determine. The commissioner may send the same or another form of questionnaire to any or all classes of licensees licensed under this article Failure by the licensee within 60 days from the mailing date thereof to answer, verify, and return such questionnaire to the commissioner shall be grounds for the suspension or revocation of the license of the particular licensee to which the questionnaire appertains.

SEC. 6. Section 1678 6 is added to said code, to read:

Term of license

1678 6. Any individual applicant for license under this article who has not held, been named in or designated on any license issued pursuant to this article during any portion of the period consisting of the five license years ending with the July 1st preceding plus the fractional license year, if any, preceding his application for license, may, at his option, apply for a license for the term ending with the next June 30th, subject to the provisions of Section 1679.1, and if such June 30th is in an odd-numbered year application for renewal of such license either under Section 1679 or Section 1679.1 shall be only for the term ending on the following June 30th, at the appropriate fee for such shorter term.

SEC. 7. Section 1679 is added to said code, to read:

Application for renewal

1679. (a) Application for renewal of a license may be filed on or before April 15th of the applicable year upon payment of the fee for filing specified in Section 1678.

Same

(b) Such application for renewal of a license may be filed between April 15th and July 1st of such year upon payment of a fee two times that specified in Section 1678 for such filing.

Failure to file

(c) Upon failure to file application as provided in either (a) or (b) hereof, the license shall expire on July 1st of the applicable year, but the holder may file an application for a new license. Until June 30th next succeeding the fee shall be two times that specified in Section 1678 for such filing. The commissioner shall mail notice of such expiration not later than June 20th of the applicable year to:

Notice of expiration

(1) The licensee.

(2) The employing agent or broker, if any.

Failure to mail such notice shall not continue the right to a license.

Filing application

(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.

(e) The commissioner shall maintain for a reasonable time readily available for inspection of appointing insurers the names and addresses of the insurance agents to whom notices of expiration of license were mailed pursuant to subsection (c) hereof or may in lieu thereof prepare and mail to all insurers making request for the same a listing of such names and addresses. Commissioner's records

SEC. 8. Section 1679.1 is added to said code, to read:

1679.1. If any person be unlicensed under this article on April 1st of any year, the commissioner shall not issue any permanent license with a term of less than one year to such person between said April 1st and the succeeding July 1st unless the person shall have also filed an application for renewal of the license, for that period directly following such July 1st to which such application for renewal relates and shall have paid the fee for filing specified in Section 1678. As to the filing of such renewal application, the provisions of Section 1679 shall not be applicable. Terms of permanent license

SEC. 9. 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: Refunds

(a) Where the receipt or collection has resulted in an overpayment or duplicate payment. When available

(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 1709.3 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 1724

An act to amend Section 13672.1 of the Education Code, relating to school teachers.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 13672.1 of the Education Code is amended to read:

13672.1. The governing board of any school district may provide for such leave of absence from duty as it deems appropriate for any female employee of the district who is employed in a position requiring certification qualifications and who is required to absent herself from her duties because of pregnancy or convalescence following childbirth, and may adopt rules and regulations prescribing the manner of proof of pregnancy, the point during the course of the pregnancy at which leave of absence shall be taken, and the length of time for which the leave of absence shall continue after birth of the child. Anything in Sections 13841 and 13841.2 to the contrary notwithstanding, the board may also provide in the rules and regulations the amount to be deducted from the salary due the employee for the period in which the absence occurs.

Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

The leave provided for in this section is in addition to any other leave provided for by law.

CHAPTER 1725

An act to amend the chapter heading of Chapter 6 of Division 3 of, to repeal Article 1, comprising Sections 5701 to 5706, inclusive, and Article 2, comprising Sections 5726 to 5727, inclusive, of Chapter 6 of Division 3 of, to add Sections 5701, 5702, 5703, 5704, 5705, and 5706 to, and to amend Section 9165 of, the Education Code, relating to vocational education in the Public School System, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. The chapter heading of Chapter 6 of Division 3 of the Education Code is amended to read:

CHAPTER 6. VOCATIONAL EDUCATION FEDERAL FUND

SEC. 2. Article 1, comprising Sections 5701 to 5706, inclusive, of Chapter 6 of Division 3 of said code is repealed. Repeal

SEC. 3. Article 2, comprising Sections 5726 to 5727, inclusive, of Chapter 6 of Division 3 of said code is repealed. Repeal

SEC. 4. Section 5701 is added to said code, to read:

5701. The State Treasurer, as required by the federal acts relating to vocational education referred to in Articles 11 and 12 of Chapter 7 of Division 4, shall receive and provide for the proper custody of all funds apportioned to the State under these acts. The amount received shall be deposited to the credit of the Vocational Education Federal Fund. Receipt and custody of funds

SEC. 5. Section 5702 is added to said code, to read:

5702. The State Treasurer shall also receive and provide for the proper custody of all money appropriated by this article, of all money that may be hereafter appropriated for the purpose of carrying out the provisions of this article and of all money that may be received by the State Board of Education under the provisions of this chapter. Same

SEC. 6. Section 5703 is added to said code, to read:

5703. The Vocational Education Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered under the provisions of Articles 11 and 12 of Chapter 7 of Division 4, on order of the State Controller, shall be deposited in the Vocational Education Federal Fund. Vocational Education Federal Fund Creation

SEC. 7. Section 5704 is added to said code, to read:

5704. All money in the Vocational Education Federal Fund is hereby appropriated to the State Department of Education, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State. Appropriation

SEC 8. Section 5705 is added to said code, to read:

5705. The Director of Finance and the State Controller may approve any general plan whereby: Approval of general plans

(a) Any expenditures which are a proper charge against money made available by the United States and deposited in the Vocational Education Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered under the provisions of Articles 11 and 12 of Chapter 7 of Division 4; and

(b) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Vocational Education Federal Fund Such a general plan may provide for advance transfers from the Vocational Education Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Vocational Education Federal Fund pursuant to such plan, and may provide for reimbursement to the Vocational Education Federal Fund when necessary.

Requests for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the Department of Education, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

SEC. 9. Section 5706 is added to said code, to read:

How expended

5706. All funds appropriated by the State for vocational education shall be expended pursuant to the provisions of this chapter.

SEC. 10. Section 9165 of the said code is amended to read:

Fire training instructors

9165. The State Board of Education and the governing bodies of any county, city, and fire protection district are authorized to enter into agreements providing for the assignment of employees of the fire departments of such counties, cities, and fire protection districts to serve as instructors in fire training programs conducted under the auspices of the State Board of Education and providing for the payment to such counties, cities, and fire protection districts by the State Board of Education from the funds appropriated for vocational education of such amount as may be agreed upon for the services of such employees.

Disposition of fund money

SEC. 11. All money in the Vocational Education Fund on the effective date of this act shall be disposed of as follows:

(a) All money in said fund that was derived from money appropriated by the State from the General Fund, the expenditure of which is administered under the provisions of Articles 11 and 12 of Chapter 7 of Division 4 of the Education Code, shall, on order of the State Controller, be transferred from the Vocational Education Fund to the General Fund, and shall be credited to the appropriation in the latter fund from which such money was originally derived. The unexpended balance of each such General Fund appropriation shall continue to be available for expenditure for the purposes for which such appropriation was made, and shall be subject to all of the provisions making such appropriation.

(b) All money in the Vocational Education Fund that was derived from grants of money received by the State from the United States, the expenditure of which is administered through or under the provisions of Articles 11 and 12 of Chapter 7 of Division 4 of the Education Code, shall on order of the State Controller, be transferred from the Vocational Education Fund to the Vocational Education Federal Fund, and shall be available for expenditure from the latter fund, without regard to fiscal years, for the purposes for which it is made available by the United States.

Operative date

SEC. 12. This act shall become operative on July 1, 1958.

CHAPTER 1726

An act to add Section 7956.5 to the Education Code, relating to the State School Building Aid Bond Law of 1954, and making an appropriation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect immediately

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

SECTION 1. Section 7956.5 is added to the Education Code, to read:

7956.5. For the purposes of carrying out the provisions of this chapter 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 the committee has by resolution authorized to be sold for the purpose of carrying out this chapter, and the amount necessary to carry out this chapter is hereby appropriated. The appropriation made by this section is made without regard to fiscal years. Any amounts withdrawn shall be deposited in a revolving fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

Withdrawal and appropriation of funds

Revolving fund

Return of funds

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

Urgency

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 1727

An act to add Section 7976.5 to the Education Code, relating to the State School Building Aid Bond Law of 1957, and making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 7976.5 is added to the Education Code, to read:

Withdrawal and appropriation of funds

7976.5. For the purposes of carrying out the provisions of this chapter 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 the committee has by resolution authorized to be sold for the purpose of carrying out this chapter, and the amount necessary to carry out this chapter is hereby appropriated. The appropriation made by this section is made without regard to fiscal years. Any amounts withdrawn shall be deposited in a revolving fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

Revolving fund

Return of funds

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 1728

An act to add Section 30065 to the Water Code, relating to county water districts.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 30065 is added to the Water Code, to read:

30065. The inclusion in, or annexation or addition to, a county water district, of the corporate area of any public corporation or public agency, shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose, of such county water district.

No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within a county water district existing under the provisions of this code without the consent of such county water district.

CHAPTER 1729

An act to amend Section 14524 of, and to add Section 14524.1 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14524 of the Education Code is amended to read:

Returning employee Redeposit of contributions

14524. If a person whose contributions have been returned to him thereafter re-enters the system, within one year after such return, he shall thereupon redeposit the contributions returned to him, with interest from the date of the return of the contributions to the date of redeposit at the rate of 3 percent per annum. If such re-entry is one year or more after such return, he may elect to redeposit such contributions with interest as stated in the preceding sentence. If such employment is terminated before all of such contributions are redeposited with interest he shall pay the balance of the interest on the total contributions to the date of termination. If his contributions are not then returned to him, or being so returned are redeposited by him upon re-entry into the system, the balance of such contributions shall be redeposited with interest from such date, upon his re-entry into the system. Re-

deposit may be made in installments in accordance with such rules and regulations as may be established by the retirement board.

Contribution rate

If not more than five years have elapsed between the return of contributions and the re-entry to membership accompanied by redeposit of such contributions, his rate of contribution to the Retirement Annuity Fund shall be the rate established for persons of his age at the time he first became a member of the retirement system, but if more than five years have elapsed between the return of contributions and the re-entry to membership, his rate of contribution shall be the rate applicable to persons of his age on the date of re-entry.

SEC. 2. Section 14524.1 is added to said code, to read:

Election not to redeposit Contribution rate

14524.1. If a person upon re-entering the system after his contributions have been returned to him, does not elect to redeposit withdrawn contributions as provided in Section 14524, or, having so elected, subsequently does not make such redeposit, he re-enters as a new member without credit for any service credited to him as rendered before July 1, 1935, and his rate of contribution shall be the rate applicable to persons of his age on the date of re-entry.

CHAPTER 1730

An act to amend Section 540 of the Code of Civil Procedure, relating to attachment.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 540 of the Code of Civil Procedure is amended to read:

Writ of attachment

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from execution, specifically excluding one-half of the earnings of such defendant received for his personal services rendered at any time within 30 days next preceding the levy of attachment, or so much of the property of such defendant as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge of the court issuing the writ, or if said writ of attachment is issued to an-

other county then by a judge of a court, having jurisdiction in cases involving the amount specified in the writ, in the county where the levy shall have been, or is about to be, made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached; provided, however, that whenever a levy shall be made upon personal property, other than money, belonging to a going concern, and no undertaking is given as herein provided, then the officer making the levy must, if the defendant consents, place a keeper in charge of said attached property, at plaintiff's expense, for at least two days, and said keeper's fees must be prepaid by the attaching creditor. After the expiration of said two days, the sheriff, constable, or marshal shall take said property into his immediate custody, unless other disposition is made by the court or the parties to the action.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable or marshal such undertaking which must first be approved by the judge as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money, shall not subject such defendant to, or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant; provided, however, that such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title to the attached property and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking within 60 days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of any county or counties.

CHAPTER 1731

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 July 5, 1957. Filed with Secretary of State July 8, 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:

Execution of writ

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows:

Real property in defendant's name

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by recording with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels, or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting need be made as to each such continuous, unbroken tract.

Growing crops on land 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 of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

Real property held by another, etc

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon the records of the county in the name of the defendant by the provisions of subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when recorded, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

Growing crops held by another, etc

2a Growing crops (which, until severence, 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 capable of manual delivery

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody.

Stocks or shares, etc

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, vice president or other head of the same, or the secretary, assistant secretary, cashier, assistant cashier, or any managing agent, thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

Safekeeping personalty: Plaintiff's deposit

5. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to

exceed 15 days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid, the sheriff, constable or marshal shall release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with. There shall be no liability upon the part of the sheriff, constable or marshal, either to the plaintiff or the defendant for loss by fire, theft, injury or damage of any kind to personal property capable of manual delivery while in the possession of the sheriff, constable or marshal either in a warehouse or in the custody of a keeper or en route to or from a warehouse unless the sheriff, constable or marshal shall be negligent in his care or handling of the property.

Personal property not capable of manual delivery

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, that debts owing to defendant arising from personal services rendered at any time within 30 days next preceding the levy of attachment such attachment is subject to the provisions of Section 690.11 of the Code of Civil Procedure; 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.

Checks, etc.

7. 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 1732

An act to amend Section 4004 of the Penal Code, relating to release of inmates of county jail.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4004 of the Penal Code is amended to read:

4004. A prisoner committed to the county jail for examination, or upon conviction for a public offense, must be actually confined in the jail until he is legally discharged; and if he is permitted to go at large out of the jail, except by virtue of a legal order or process, it is an escape; provided, however, that during the pendency of a criminal proceeding, the superior court or an inferior court, as the case may be, before which said proceeding is pending may make a legal order, good cause appearing therefor, for the removal of the prisoner from the county jail in custody of the sheriff; and provided further, that the superior court of the county may make a legal order, good cause appearing therefor, for the removal of prisoners confined in the county jail, after conviction, in the custody of the sheriff.

CHAPTER 1733

An act to amend Sections 606 and 4600 of the Penal Code, relating to destruction or injury of place of confinement.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 606 of the Penal Code is amended to read:

606. Every person who wilfully and intentionally breaks down, pulls down, or otherwise destroys or injures any place of confinement, is punishable by fine not exceeding ten thousand dollars ($10,000), and by imprisonment in the state prison not exceeding five years, except that where the damages or injury to any city, city and county or county place of confinement is determined to be two hundred dollars ($200) or less, he is guilty of a misdemeanor.

Penalty for injury Place of confinement

Same: Jail or prison

SEC 2. Section 4600 of the Penal Code is amended to read:

4600. Every person who wilfully and intentionally breaks down, pulls down, or otherwise destroys or injures any jail or prison, is punishable by fine not exceeding ten thousand dollars ($10,000), and by imprisonment in the state prison not exceeding five years, except that where the damage or injury to any city, city and county or county jail property is determined to be two hundred dollars ($200) or less, he is guilty of a misdemeanor.

CHAPTER 1734

An act to add Section 682.2 to and to amend Section 1033.7 of the Code of Civil Procedure, relating to writ of execution proceedings.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 682.2 of the Code of Civil Procedure is added, to read:

Entry of costs and interest

682.2. Whenever a writ of execution is issued, the clerk, or, if there is no clerk, then the judge of the court, shall enter on the face of the writ the amounts of any costs and interest which have accrued from the date of entry of the judgment to the date of the issuance of the writ.

Affidavit

If a judgment creditor claims interest accruing after judgment not included in the judgment pursuant to Section 1033, he must include the amount of such interest in an affidavit to be filed at the time of the request for issuance of the writ of execution.

SEC. 2. Section 1033.7 of said code is amended to read:

Claim of costs Service of memorandum

1033.7. In superior courts, municipal courts, and justice courts, the judgment creditor claiming costs consisting of one or more of the following items:

(a) Statutory fees for preparing or issuing an abstract of judgment;

(b) Statutory fees for recording, receiving, or filing an abstract of judgment;

(c) Statutory fees for issuing a writ of execution, a writ of restitution, a writ of possession, a writ of prohibition, or any writ for the enforcement of any order or judgment;

(d) Statutory fees for issuing an order of sale;

(e) Statutory fees (including mileage) of sheriffs, constables, or marshals in connection with serving, executing or levying any writ or making return; for keeping or caring for property held by virtue thereof;

(f) Costs or disbursements incurred in connection with any proceeding supplementary to execution which have been approved as to necessity, propriety, and amount by the judge

or referee conducting the same in his order upon such proceeding;

must serve upon the adverse party either personally or by mail and file at any time or times not more than six months after such item has been incurred, and prior to the time the judgment is fully satisfied, a memorandum of the items of his such costs and necessary disbursements, which memorandum must be verified by the oath of the party or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct and that they have been necessarily or reasonably incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five days after the service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered or by the judge thereof at chambers.

Costs incurred in collection of judgment

In superior courts, municipal courts, and justice courts a judgment creditor claiming costs or necessary disbursements reasonably incurred in aid of the collection of such judgment or of any execution issued thereon; other than those hereinbefore specified; including items which have been disallowed by the judge or referee in the supplemental proceeding, must serve the adverse party either personally or by mail and file at any time or times not more than six months after such item has been incurred, and prior to the time the judgment is fully satisfied, a notice of motion for an order allowing the same, specifying the items claimed and the amount thereof, and supported by an affidavit of the party or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and showing that the costs have been reasonable, and the disbursements reasonably and necessarily incurred. The court or judge hearing such motion shall make such order respecting the costs or disbursements so claimed as the circumstances justify, allowing the same in whole or in part, or disallowing the same.

Entry of ascertained amount

Within two days after the said costs are tried or ascertained, or after the time for making a motion to tax the same shall have expired, the clerk or judge shall enter the amount thereof on the margin of the judgment, and thereafter they shall be included, together with the amount of the fee charged for issuance thereof, in any execution issued upon such judgment.

CHAPTER 1735

An act to amend Section 647a of the Penal Code, relating to molestation of children and loitering.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 647a of the Penal Code is amended to read:

647a. (1) Every person who annoys or molests any child under the age of 18 is a vagrant and is punishable upon first conviction by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment and is punishable upon the second and each subsequent conviction or upon the first conviction after a previous conviction under Section 288 of this code by imprisonment in the state prison for not less than one year.

(2) Every person who loiters about any school or public place at or near which children attend or normally congregate is a vagrant, and is punishable by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

CHAPTER 1736

An act to amend Section 3297 of the Health and Safety Code, relating to the release of persons confined for violation of isolation orders.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 3297 of the Health and Safety Code is amended to read:

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 without the necessity of a court order or other process. 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.

CHAPTER 1737

An act to amend Section 26748 of the Government Code, relating to service by certified mail.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 26748 of the Government Code is amended to read:

26748. In addition to the fees provided by this article, the sheriff may collect from the litigant or person requiring his

services, besides mileage, his actual expenses for inspection, checking, releasing, or any other handling of property under his custody, charge, or keeping pursuant to any process, writ, order, paper, or notice, and actual postal charges paid for mailing by registered mail or certified mail any notice or demand required or authorized by law to be sent by registered mail or certified mail.

CHAPTER 1738

An act to provide for conveyance by the State of certain easements and mineral rights reserved to the State in lands heretofore sold by it.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. The Director of Finance shall convey all the right, title, and interest of the State in any easements for pipeline purposes and any reserved mineral rights, on such terms and conditions as he deems equitable, to the holders of title to those lands in Napa County heretofore sold by the State and formerly owned by the State in the South ½ of Section 8, Township 5 North, Range 3 West, M. D. B. and M., and more particularly described in (a) a quitclaim deed from the State to Beebe J. Robinson, dated April 23, 1951, and recorded in Book 364 of Official Records at page 85, wherein certain reservations of minerals, including oil and gas, were made, and (b) a deed from the State to Alfred E. Hopkins and Bonita I. Hopkins, his wife, as joint tenants, dated January 28, 1948, and recorded in Book 282 of Official Records at page 425, wherein certain reservations of minerals, including oil and gas, were made.

CHAPTER 1739

An act to amend Section 69599 of the Government Code, relating to superior court judges of San Mateo County.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 69599 of the Government Code is amended to read:

69599. In San Mateo County there shall be five judges of the superior court.

CHAPTER 1740

An act to add Section 37210 to the Government Code, relating to temporary borrowing by new cities.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 37210 is added to the Government Code, to read:

37210. Newly incorporated cities that have not received revenues from property taxes may issue temporary non-negotiable notes bearing interest at a rate not exceeding 6 percent per annum to pay lawfully incurred current expenses and the salaries and wages of officers and employees. Said notes must 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. The aggregate amount of said notes shall not exceed 85 percent of the anticipated revenues for the fiscal year in which the money is borrowed. Said notes shall be repaid only from revenues received during or allocable to the fiscal year in which the money is borrowed.

CHAPTER 1741

An act to amend Section 171 of the Fish and Game Code, relating to the Preston School of Industry Game Refuge.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 171 of the Fish and Game Code is amended to read:

171. The Preston School of Industry Game Refuge shall consist of and include the following properties: the Preston School of Industry Reservoir, which is situated on land occupied by the Preston School of Industry, Ione, Amador County.

CHAPTER 1742

An act to amend Section 22021 of the Education Code, relating to libraries.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 22021 of the Education Code is amended to read:

22021. The Department of Education shall:

(a) Make rules and regulations, not inconsistent with law, for its government and for the government of the State Library.

(b) Authorize the librarian to appoint such other assistants as are necessary.

(c) Sell or exchange duplicate copies of books.

(d) Keep in order and repair the books and property in the library.

(e) Draw from the State Treasury at any time, all moneys therein belonging to the Library Fund.

(f) Prescribe rules and regulations permitting persons other than Members of the Legislature and other state officers to have the use of books from the library.

(g) Collect and preserve statistics and other information pertaining to libraries, which shall be available to other public libraries within the State applying for the information.

(h) Make to the Governor, biennially, a report of its transactions.

(i) Establish, in its discretion, deposit stations and library service centers in various parts of the State, under the control of an officer or employee of the State Library. No book shall be kept permanently away from the main library, which may be required for official use.

CHAPTER 1743

An act to amend Sections 22021, 22042, 22044, 22045, 22161, and 22170 of, and to repeal Section 22043 of, the Education Code, relating to the state administration of public libraries.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 22021 of the Education Code is amended to read:

22021. The Department of Education shall: Powers and duties

(a) Make rules and regulations, not inconsistent with law, for its government and for the government of the State Library.

(b) Authorize the librarian to appoint such other assistants as are necessary.

(c) Sell or exchange duplicate copies of books.

(d) Keep in order and repair the books and property in the library.

(e) Prescribe rules and regulations permitting persons other than Members of the Legislature and other state officers to have the use of books from the library.

(f) Collect and preserve statistics and other information pertaining to libraries, which shall be available to other libraries within the State applying for the information.

(g) Establish, in its discretion, deposit stations in various parts of the State, under the control of an officer or employee of the State Library. No book shall be kept permanently away from the main library, which may be required for official use.

SEC. 2. Section 22042 of said code is amended to read:

Withdrawal from library

22042. Books may be taken from the library by the Members of the Legislature and by other state officers at any time.

SEC. 3. Section 22044 of said code is amended to read:

Failure to return

22044. The Controller, when notified by the Department of Education that any officer or employee of the State for whom he draws a warrant for salary has failed to return any book taken by him, or for which he has given an order, within the time prescribed by the rules, or the time within which it was agreed to be returned, and which notice shall give the value of the book, shall, after first informing the officer or employee of the notice, upon failure by him to return the book, deduct from the warrant for the salary of the officer or employee, twice the value of the book, and place the amount deducted in the General Fund.

SEC. 4. Section 22045 of said code is amended to read:

Purchase of duplicate

22045. In case of the neglect or refusal on the part of any officer or employee of the State to return a book for which he has given an order or a receipt or has in his possession, the Department of Education may purchase for the library a duplicate of the book, and notify the Controller of the purchase, together with the cost of the book. Upon the receipt of the notice from the department, the Controller shall deduct twice the cost of the duplicate book from the warrant for the salary of the officer or employee, and place the amount deducted in the General Fund.

SEC. 5. Section 22161 of said code is amended to read:

Board of Library Examiners

22161. There is in the State Government a commission known as the Board of Library Examiners, consisting of the State Librarian, who is ex officio chairman of the board, the librarian of the public library of the City and County of San Francisco, and the librarian of the Los Angeles Public Library. The members of the board shall receive no compensation for their services, except their actual and necessary traveling expenses, to be paid out of the moneys appropriated for the support of the Division of Libraries.

SEC. 6. Section 22170 of said code is amended to read:

Supervision

22170. The county free libraries are under the general supervision of the State Librarian, who shall from time to time, either personally or by one of his assistants, visit the county free libraries and inquire into their condition. The actual and necessary expenses of the visits shall be paid out of the moneys appropriated for the support of the Division of Libraries.

Repeal

SEC. 7. Section 22043 of said code is repealed.

CHAPTER 1744

An act to add Section 22024 to the Education Code, relating to library services.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 22024 is added to the Education Code, to read:

22024. The Department of Education may:

(a) Contract with counties, cities, or districts within this State, agencies of the State, and agencies of the United States Government for the purpose of providing library services.

(b) Establish and operate library service centers.

CHAPTER 1745

An act to add Chapter 3c to Title 14 of Part 4 of Division 3 of the Civil Code, relating to liens of persons who advance money on the security of raw materials, parts, goods in process of manufacture and finished goods, and to amend Section 3017 of the Civil Code, relating to assignment of accounts receivable.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Chapter 3c is added to Title 14 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 3c. INVENTORY LIENS

3030. In this chapter:

(1) "Merchandise" means raw materials, parts, goods in process of manufacture and finished goods intended for sale, whether or not requiring further manufacturing or processing, but shall not include trade fixtures, machinery and equipment constituting a part of the manufacturing or processing facilities of the borrower, or merchandise represented by negotiable or nonnegotiable warehouse receipts, bills of lading, or other documents of title. "Merchandise"

(2) "Lender" means a person, firm, bank or corporation, and his successors in interest, who advances money on the security of merchandise, whether or not he is employed to sell such merchandise. A person in the business of selling or supplying merchandise for profit who sells or supplies the same to a buyer on credit, whether secured or unsecured, is excluded as to such merchandise. "Lender"

"Borrower" (3) "Borrower" means the owner of merchandise, or his agent, who creates a lien in favor of a lender, but shall not include a retail merchant, a grower of products of the soil other than timber, a producer of animals, or a producer of the products of live animals other than a person who takes title to or possession or control of such products from the original producer for the purpose of processing or manufacturing the same and selling, reselling or redelivering the same in dried, canned, extracted, fermented, distilled, frozen, or other preserved or processed form.

Lender's lien 3031. If so provided by any written agreement with the borrower, a lender shall have a continuing lien upon such merchandise of the borrower as is from time to time after the execution of said written agreement designated in one or more separate written statements dated and signed by the borrower and delivered to the lender, without compliance with Sections 3440 or 3440.1 of this code and without such merchandise being taken into the constructive or actual possession or custody of the lender or of a third person for the account of the lender, and such lien shall secure the lender for all his loans and advances to or for the account of the borrower, together with interest thereon, and also for the commissions, obligations, indebtedness, charges, and expenses properly chargeable against or due from said borrower, and for the amounts due or owing upon any notes or other obligations given to or received by the lender for or upon account of any such loans or advances, interest, commissions, obligations, indebtedness, charges, and expenses. Such lien shall be valid after the expiration of 10 days from the time of filing the notice hereinafter referred to, whether such merchandise shall be in existence at the time of the execution of the written agreement providing for the creation of the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower. Upon default by the borrower under the terms of any obligation secured by such lien, the lender shall be entitled to possession of the merchandise and may dispose thereof in the manner and upon the notice prescribed by the title on "pledge" or in such other manner as may have been agreed upon by the borrower and lender.

Notice of inventory lien Contents 3032. A notice of lien entitled "notice of inventory lien" shall be signed by the lender and the borrower and shall contain the name of the lender, the name of the borrower, the chief place of business of each within this State, if any, and, if either of them has no place of business within this State, his residence or chief place of business outside the State, the maximum amount of the indebtedness to be secured at any one time, the general character of the merchandise subject or to be subject to the lien, and the address where the merchandise shall be located.

Filing 3033. The notice of lien shall be filed in the office of the county recorder of the county in which the borrower has

his principal place of business within this State, and the county recorder of the county in which the merchandise is, or is to be, located.

Marking, indexing, etc

3034. It shall be the duty of the county recorder 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 inventory liens" under the name of the borrower and the lender. Amendments of the notice may be filed from time to time in the same manner to record any changes in the information contained in the original, subsequent or amended notices. Upon the filing of any such notice or amendment thereto, if requested to do so by the person filing such notice, it shall be the duty of the county recorder 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 whether or not there is on file in his office on the date and hour of such filing any other presently uncanceled notice of inventory lien by the borrower named in the notice so filed and setting forth therein the names and addresses of the lender or lenders named in any such presently effective uncanceled notice or notices then on file. The county recorder may issue a certificate to any person showing whether or not there is on file any presently effective uncanceled notice of inventory lien by any borrower and, if so, setting forth therein the names and addresses of the lender or lenders named therein. The fees of the county recorder for carrying out the duties prescribed by this section shall be as prescribed by law.

When deemed filed

3035. Upon presentation to the county recorder for filing of any such notice or amendment thereto, and the payment of the filing fee, the same shall be deemed to be filed for the purposes of this chapter.

Effect

3036. Upon the expiration of 10 days from the time of filing such notice the lien provided by this chapter shall be effective as against all claims of unsecured creditors of the borrower and as against subsequent liens of creditors, except any producers' liens if the lender has not complied with the provisions of Chapter 9 of Division 6 of the Agricultural Code and except any common-law or statutory liens of processors, mechanics, artisans, or others subsequently attaching to such merchandise by reason of work or services rendered thereon; but this chapter shall not obligate the lender personally for any debt secured by such lien. Where warehouse receipts, bills of lading or other documents of title procured by the borrower in substitution for any merchandise subject to such lien are transferred for new value (as defined in Section 3013 of the Civil Code) to a transferee without actual knowledge of such lien, such lien shall be subordinate to the rights of such transferee. As between two or more lenders who receive written statements from the borrower designating the same merchandise, the lender whose notice of inventory lien is first filed as

provided in this chapter is entitled to priority over all other lenders claiming the same merchandise.

Termination

3037. When merchandise subject to the lien provided for by this chapter is sold in the ordinary course of the business of the borrower, such lien, whether or not the purchaser has knowledge of the existence thereof, shall terminate as to the merchandise so sold and shall attach to any proceeds of such sale, including any obligation to pay for the merchandise.

Superior rights

The rights of the lender to such proceeds shall be subject to

(a) Any setoff or defense valid against the borrower and accruing before the purchaser has actual knowledge of such lien;

(b) The rights of a holder in due course of a negotiable instrument;

(c) The rights of a transferee without actual knowledge of such lien of a nonnegotiable contract or instrument whose transfer has been perfected against third parties; and

(d) If such proceeds are on deposit in a bank, to any lien or right of setoff of the bank.

Proceeds on account

If such proceeds are an account as defined in Chapter 3b of this title, the lenders' rights to the account or accounts as against third persons are governed by the provisions of said Chapter 3b except that the written statement provided for in Section 3031 of this title shall, unless stated therein to the contrary, constitute an assignment in writing to the lender of any account or accounts that may arise from the sale of any of the merchandise designated therein. In order to perfect his rights to such proceeds which are an account as defined in Chapter 3b of this title, as against third persons, the lender shall comply with the provisions of Chapter 3b relative to filing a notice of assignment or of intention to assign an account or accounts, and his rights to such account or accounts and the proceeds thereof shall be inferior to those of any other assignee of such account or accounts who has first filed the notice of assignment or of intention to assign an account or accounts, or a further notice or affidavit filed prior to the expiration of such notice of assignment pursuant to said Chapter 3b, regardless of whether the assignment of such account or accounts to such other assignee is prior or subsequent to the written statement provided for in Section 3031 or the filing of the notice provided for in Section 3033, or any assignment of such account or accounts to the lender.

Effective period of notice

3038. Any such notice shall be ineffective after three years from the date of filing. At any time before the expiration of the original or any subsequent filing, a like notice signed by the borrower and the lender, or an affidavit by the lender alone, setting out the information required by Section 3032, may be

Further notice or affidavit

filed in like manner as the original filing. Any filing of such further notice or affidavit shall be effective in like manner and for a like period as an original filing, except that the lien shall be effective from the time of filing the further notice or affidavit, with the same priorities that existed prior to such

filing. It shall be the duty of the county recorder to mark, file and index the further statement or affidavit in like manner as the original. At any time after seven years from the date when such notice was filed in the recorder's office, the recorder may destroy the same together with any certificate or statement of cancellation or satisfaction filed in connection with such notice, unless he has been notified in writing to retain the same by someone claiming some interest under such notice.

Cancellation

3039. Any notice filed hereunder may be canceled by a certificate executed and acknowledged by the lender reciting (1) the date of the notice, (2) the date of the filing thereof, (3) the names of the parties thereto, and (4) a statement that the same is canceled.

Certificate of discharge

3040. (a) Upon payment or satisfaction of the indebtedness secured by the lien provided for by this chapter, and upon written demand delivered personally or by registered mail by the borrower, the lender shall execute and acknowledge and deliver to the borrower a certificate reciting (1) the date of the notice, (2) the date of the filing thereof, (3) the names of the parties thereto, and (4) a statement that the indebtedness described in the notice has been paid or otherwise satisfied and discharged.

Same: Penalties for failure to give

(b) If for 10 days after such demand, the lender fails to mail or deliver such a statement of satisfaction, he shall be liable to the borrower for all actual direct damages suffered by him as a result of such failure and, if the failure is in bad faith, for a penalty of one hundred dollars ($100) Upon presentation of such certificate of satisfaction or cancellation, it shall be the duty of the filing officer to file the same and note the cancellation of the notice, and the date thereof, on the margin of the page where the notice has been indexed.

Information

3041 It shall be the duty of any lender who has filed a presently effective and uncanceled notice to furnish to any person such information relative to the borrower's indebtedness to the lender and the merchandise subject to his lien as the borrower may in writing direct.

Excepted transactions

3042. This chapter shall not apply to transactions of bailment, pledge, or consignment of merchandise in the actual or constructive possession or custody of the lender, or in the actual or constructive possession or custody of a third person for the account of the lender, and in such transactions and in any transaction under which the lender shall not comply with the filing requirements of this chapter, the lender shall have such security interest or lien rights in the merchandise as shall accrue to the lender under the statutory and common law as it otherwise exists

Compliance with provisions

3043 As to any transactions falling within the provisions both of this chapter and of any other law requiring or permitting filing or recording, the lender shall not be required to comply with both, but by complying with the provisions of either, at the lender's election, the lender shall have the protection given by the provisions complied with. If any part of

Severability of provisions

this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other parts, provisions, or applications of this chapter which can be given effect without the invalid provision or application, and to such end all parts and provisions of this chapter are declared to be severable.

Definitions

SEC 2. Section 3017 of the Civil Code is amended to read:

3017. In this chapter:

(1) "Account" means a debt, due or to become due, arising out of the sale, storage, transportation, care, repair, processing, manufacture or other improvement of tangible personal property, or arising out of a contract therefor, or arising out of the rendition of personal services which in the regular course of business will result in an open book account; provided, however, that "account" does not include:

(a) Any debt evidenced by or arising under a judgment, note, bill of exchange, acceptance, chattel mortgage, trust receipt, lease, or contract of conditional sale (meaning a deferred payment contract reserving title in the seller);

(b) Any debt which arises from the sale of tangible personal property or from the sale or assignment of the rents, issues, profits, products, proceeds or increase of tangible personal property, if at the time of the assignment of such debt the assignee is the owner of an encumbrance or a lien, other than a lender's lien pursuant to Section 3031 of the Civil Code, upon the said personal property, which lien or encumbrance has been duly perfected against third persons pursuant to any applicable state or federal law or is so perfected within 10 days after the assignment of such debt;

(c) Any debt arising under a contract for a work of improvement to real property as defined in Section 1182 of the Code of Civil Procedure or a public work of improvement as defined in Section 4200 of the Government Code.

(2) "Assignment" shall include any transfer, pledge, mortgage or sale.

(3) "Creditor" means a person having any claim, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

(4) "Debt" means the indebtedness owing on an account.

(5) "Debtor" means any person by whom an account is owing to the assignor.

(6) "Filing officer" means the county recorder of the county in which the assignor has its chief place of business within this State, or if the assignor has no place of business within the State then the county recorder of the county in which the assignor resides.

(7) "Value" means any consideration sufficient to support a simple contract, including an antecedent debt or liability where an account is taken in satisfaction thereof or as security therefor.

Operative date

SEC. 3. This act shall become operative on January 1, 1958.

CHAPTER 1746

An act to add Section 142 to the Welfare and Institutions Code, relating to identification cards for recipients of public assistance.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 142 is added to the Welfare and Institutions Code, to read:

142. For the purpose of expediting the admission of needy persons requiring hospitalization and first aid treatment to hospitals, clinics, and first aid receiving stations, identification cards shall be issued to recipients of public assistance under Chapter 1 of Division 3 and Division 5 of this code. Such card shall be solely for the purpose of identification and shall not be construed to authorize admission to hospitals, clinics or first aid stations. Identification cards

The State Department of Social Welfare shall make available and keep each county supplied with sufficient identification cards as required by the county. The county shall fill out and mail the completed card with a brief explanation of its purpose, to the recipient in sufficient time to insure receipt thereof by the recipient within 60 days following the effective date of this section, or, in the case of a recipient establishing his eligibility after that time, within 30 days following his qualification for aid.

The identification card shall contain the following information:

(1) Name and address of the recipient.
(2) State and/or county case numbers.
(3) Date of issuance.
(4) Name of county agency issuing card.

The card, bearing the Great Seal of the State of California, shall not be larger than $2\frac{1}{2}$ x $3\frac{1}{2}$ inches in size, and shall be headed "State of California"—"Department of Social Welfare"—"Identification Card."—"This card is provided for the purpose of establishing the identity of the bearer and does not establish eligibility of the holder to receive care in hospitals, clinics or first aid stations or the liability of the State or county for the cost of care rendered."

The department may use both sides of the card for additional information and instructions.

Upon request for entrance, this identification card may be surrendered and shall be returned to the patient before his departure.

Upon request, the county shall furnish the hospital, clinic, or first aid receiving station, with such further and additional information as they may require regarding the patient for the completion of their records.

In the event an identification card issued pursuant to this section is lost or destroyed, the county shall prepare and issue a duplicate card to the recipient upon application being made therefor.

Operative date

SEC. 2. This act shall be operative on October 1, 1957.

CHAPTER 1747

An act to add Section 5037 to the Public Resources Code, relating to the establishment of the John Bidwell Mansion State Historical Monument.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 5037 is added to the Public Resources Code, to read:

5037. The State Park Commission shall provide for the preservation, development, and interpretation of the John Bidwell Mansion as a state historical monument when the State Department of Education determines that the John Bidwell Mansion is no longer necessary for classroom purposes. The State Park Commission, acting by and through the Division of Beaches and Parks, Department of Natural Resources, shall upon acquisition of the property provide for such restoration and improvements as are necessary to carry out the purposes of this section, upon appropriation of the necessary funds.

The properties acquired, restored, improved, maintained, and operated pursuant to this section shall constitute a portion of the State Park System.

CHAPTER 1748

An act to amend Sections 1111 and 1116 of, and to add Sections 1114.1, 1117.1, 1117.2, and 1119 to, the Agricultural Code, relating to poultry.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1111 of the Agricultural Code is amended to read:

Definitions

1111. As used in this article:

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. Fowl shall include chickens, turkeys, ducks, geese and other domesticated birds.

(b) "Poultry Meat" means the carcass of poultry or any part thereof except the giblets, but shall not include live poultry or processed poultry meat.

(c) "Poultry plant" means (a) any place where poultry is slaughtered, dressed or drawn, or (b) any place where poultry meat is cut up, recut, packed or repacked or otherwise prepared for human food.

(d) "Class" means a division of poultry meat based on essential physical characteristics which with the weights differentiate between uses of the meat.

(e) "Marked" means plainly, legibly, and conspicuously labeled, stamped, tagged, stenciled, or branded to show the class of poultry meat as prescribed by regulations.

(f) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

(g) "Processing" means the commercial manufacturing of products of poultry meat by any method of cooking. "Processing" shall also include (1) cutting up into pieces smaller than the customary parts such as, in the case of poultry, necks, breasts, wings, backs, legs, thighs, or similar and identifiable portions of the carcass and (2) complete deboning of poultry meat.

(h) "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl with head, feet and entrails intact.

(i) "Producer" means any person who is engaged in the business of growing (that is, feeding and caring for) poultry, some of which is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

SEC. 2. Section 1114.1 is added to said code, to read:

Poultry: Marking

1114.1. Notwithstanding the provisions of Section 1114 of this article: (a) Individual carcasses of poultry meat or packages of cut-up poultry or poultry parts prepared for use by institutions, public eating houses or for processing, as defined in this article, and packaged in shipping containers holding several carcasses or packages of such poultry, need not be marked with class designations; provided, that each such shipping container is clearly and conspicuously marked with the proper designation of class, and of such intended use, in letters at least one-half of an inch in height, and on a surface so as to be readily visible to the purchaser.

Segregation of parts

(b) Poultry parts when displayed for sale to consumers in bulk without being packaged or wrapped, shall be segregated as to class and shall be designated as to class or classes upon a placard clearly identifying the poultry parts designated thereby in a clear and conspicuous manner readily visible to the purchaser.

One classification, containers

(c) Cut-up poultry meat consisting of all of the parts of a carcass, prepared, packaged and offered for sale shall be from

only one classification as defined in this article. Containers of poultry parts of different classes, shall be marked to indicate the classes and the quantity of each.

SEC. 3. Section 1116 of said code is amended to read:

Limitations

1116. This article does not apply to:

(a) Poultry meat or the container thereof which is marked with the official class as prescribed by the Poultry Division of the Agricultural Marketing Service of the United States Department of Agriculture; provided, that such official class marking meets the requirements of this article.

(b) Poultry meat marked as to class officially approved by another inspection service whose requirements for class markings meet the requirements of this article.

(c) Poultry meat derived from poultry which is slaughtered on the premises where produced and which poultry meat (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) Poultry meat derived from poultry which is slaughtered, dressed, and sold on the premises where produced for purposes other than resale, when the entire poultry meat output of the producer of such poultry is so sold.

SEC. 4. Section 1117.1 is added to said code, to read:

Entry and inspection

1117.1. All enforcing officers may enter and inspect any place or conveyance where any poultry or poultry meat as defined in this article, is produced, prepared, packed, repacked, cut up, recut, stored, delivered for shipment, loaded, shipped, transported or sold, and may inspect all such poultry and poultry meat and the containers thereof, and may take for inspection such representative samples of such products and containers as may be necessary to determine whether or not this article has been violated.

Seizure and holding

Any enforcing officer may, while enforcing the provisions of this article, seize or hold as evidence all or any part of any lot of poultry meat found to be in violation of this article as may in his judgment be necessary to obtain the conviction of the party he knows or believes has violated or is violating any of the provisions of this article.

SEC. 5. Section 1117.2 is added to said code, to read:

Public nuisance

1117.2. Any lot of poultry meat which is not in compliance in all respects with the provisions of this article and rules and regulations issued hereunder, is hereby declared to be a public nuisance. Any enforcing officer, if he has reason to believe that any such lot is not in compliance, may hold such lot

pending proceedings to condemn and abate such nuisance as provided in Section 785.

SEC. 6. Section 1119 is added to said code, to read:

New class designations, etc

1119. In addition to regulations adopted by the director pursuant to Section 1115, the director may, in accordance with Chapter 4 (commencing with Section 11370), Part 1, Division 3, of Title 2 of the Government Code, adopt any necessary new class designations or modifications of existing class designations and specifications therefor, taking into consideration the standard class designations and specifications therefor promulgated by the United States Department of Agriculture.

Severability of provisions

SEC. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1749

An act to amend Sections 16, 254, 261, 262, 324, 333.3, 333.4, 351.2, 359.2, 380.50, 617, 747.1, 762.8, 782, 841, 892, 917.5, 1012.6, 1082, 1106.1, 1232, 1248, 1260.1, 2649, and 3149 of, and to add Section 16.1 to, and to repeal Section 896 of, the Agricultural Code, and to amend Sections 12027 and 12107 of the Business and Professions Code, relating to regulations of state agencies.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 16 of the Agricultural Code is amended to read:

Rules and regulations

16. The director may promulgate and adopt such rules and regulations as are reasonably necessary for carrying out the provisions of this code which he is directed and authorized to administer and enforce.

SEC. 2. Section 16.1 is added to said code, to read:

Adoption

16.1. Wherever, under the provisions of this code, any state department, officer, board, committee, or commission is authorized to adopt rules and regulations, such regulations shall be adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code to the extent that that act is not specifically in conflict with the express terms of the provisions of this code authorizing such adoption.

SEC. 3. Section 254 of said code is amended to read:

Same

254. The director may make such rules and regulations as are reasonably necessary to carry into effect the provisions of this article.

SEC. 4. Section 261 of said code is amended to read:

Same, reports and records

261. The director may make such rules and regulations as are reasonably necessary to carry into effect the provisions of this article, and may require such reports and records as are necessary.

SEC. 5. Section 262 of said code is amended to read:

Bovine brucellosis

262. In addition to any other authority in this chapter available to the director for the purpose of preventing the spread of any disease of livestock, the director may promulgate regulations to prevent the spread within this State of bovine brucellosis through limitations on movement of bovine animals or through such tests or vaccinations or other means as he may find and determine to be necessary and if similar regulations are found and determined to be necessary interstate he shall notify the Governor in order that the procedure set forth in Section 211 may be followed.

SEC. 6. Section 324 of said code is amended to read:

Rules and regulations, inspection fees

324. The director may make such rules and regulations as are reasonably necessary to enforce the provisions of this article. He may prescribe such inspection fees as may be necessary to defray the actual cost of such inspection and he may enter upon any premises to make such inspections and investigations or examinations of books, papers, or documents.

SEC. 7. Section 333.3 of said code is amended to read:

Rules and regulations

333.3. The director may make such rules and regulations as may be reasonably necessary to carry out the provisions of this chapter and to protect the cattle of this State from theft and misappropriation

SEC. 8. Section 333 4 of said code is amended to read:

Same: Adoption and publication

333 4. Such rules and regulations shall be adopted in accordance with Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, and in addition thereto, shall be published in one or more stock journals of general circulation in the State before becoming effective.

SEC. 9. Section 351.2 of said code is amended to read:

Same Method of identification

351.2. The director shall, by rule, prescribe the method by which hides and carcasses which have been inspected may be identified.

SEC. 10. Section 359.2 of said code is amended to read:

Form of application

359.2. The application shall be in a form prescribed by the director and shall contain:

(a) The name and address of the applicant.

(b) Where each slaughterhouse in which he is to operate is located and to whom it belongs.

(c) Such other information as the director may, by rule, require.

SEC. 11. Section 380.50 of said code is amended to read:

Rules and regulations

380.50. The director shall enforce this article and may make such rules and regulations as are reasonably necessary therefor.

SEC. 12. Section 617 of said code is amended to read:

Labeling and advertising

617. The labeling and the advertising of the products defined in Sections 615 to 616.2, inclusive, shall be in accordance

with the provisions of this division and the regulations promulgated by the director.

Standards of composition

The standards of composition for the products defined in Sections 615 to 616.2, inclusive, shall be fixed by the director by regulation and shall conform as nearly as possible to those proclaimed and established by the Federal Security Agency or any duly constituted successor thereof.

SEC. 13. Section 747.1 of said code is amended to read:

Rules and regulations

747.1. Upon recommendations by the board the director shall have power consistent with this chapter to establish such rules and regulations covering the administration and enforcement of this chapter as may be necessary to carry out the purposes and attain the objectives of this chapter. Upon the issuance of any rules and regulations affecting this chapter, a copy thereof shall be posted on a bulletin board to be maintained by the director in his office, and a copy of such rules and regulations shall be published in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. It shall be the duty of the director to mail a copy of the notice of said issuance to all persons directly affected by the rules and regulations 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.

SEC. 14. Section 762.8 of said code is amended to read:

Sampling regulation

762.8. The director by regulation may prescribe methods of selecting samples of lots, loads or containers of tomatoes for canning purposes which shall be reasonably calculated to produce by such sampling fair representations of the entire lot, load or container sampled; establish and issue official color charts depicting the color standards and requirements established in this chapter, which shall be as near as possible in color to the standards and requirements shown on the "California Standard Color Chart for Canning Tomatoes" issued by the California State Department of Agriculture, Bureau of Fruit and Vegetable Standardization in 1942; and promulgate and enforce such other rules and regulations as are reasonably necessary for the enforcement of this chapter.

SEC. 15. Section 782 of said code is amended to read:

Enforcement

782. 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. The refusal of any officer authorized under this chapter to carry out the orders and directions of the director in the enforcement of this chapter is neglect of duty.

Sampling methods

The director by regulation may prescribe methods of selecting samples of lots or containers of fruits, nuts and vegetables on a basis of size or other specific classification, which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled; establish

and issue official color charts depicting the color standards and requirements established in this chapter; and make such other rules and regulations as are reasonably necessary to secure uniformity in the enforcement of this chapter.

Sample, notice of violation as evidence

Any sample taken under the provisions of this chapter shall be prima facie evidence, in any court in this State, of the true conditions of the entire lot in the examination of which said sample was taken. A written notice of violation, issued by a duly qualified representative of the director or by commissioners, their deputies and inspectors holding valid standardization certificates of eligibility as enforcing officers of this chapter, stating that a certain lot of produce is in violation of the provisions of this chapter and based upon the examination of such sample, shall be prima facie evidence, in any court in this State, of the true condition of the entire lot.

SEC. 16. Section 841 of said code is amended to read:

Enforcement: Powers of director

841. 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. The refusal of any officer authorized under this chapter to carry out the orders and directions of the director in the enforcement of this chapter is neglect of duty.

Sampling regulation

The director by regulation may prescribe methods of selecting samples of lots or containers of honey, which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled; establish and issue official color charts depicting the color standards and requirements established in this chapter; and make such other rules and regulations as are reasonably necessary to secure uniformity in the enforcement of this chapter.

Evidence

Any sample taken under the provisions of this chapter shall be prima facie evidence, in any court in this State, of the true condition of the entire lot in the examination of which said sample was taken.

SEC. 17. Section 892 of said code is amended to read:

Duties of director

892. The director shall:

(a) Establish, by regulation, uniform standards for field crop products which shall conform as closely as possible to those established by the Secretary of the United States Department of Agriculture.

(b) Establish inspection districts within the State. When such a district is established inspection service may be rendered therein in accordance with rules and regulations promulgated by the director.

(c) Establish, upon request, inspection stations at warehouses, docks, or industrial plants, which are within or without an established inspection district. The director may make special rules and regulations applicable to each specific inspection station and the conditions under which same shall be established and maintained.

(d) Provide through the regularly established inspection district and stations, sampling, grading, inspection and certi-

fication service for field crop products within the State or shipped into or through the State.

(e) Issue certificates as to quality and condition of field crop or other agricultural products in accordance with standards established under authority of this chapter, or any other standards which may be fixed by trade or contract and which do not conflict with official standards.

(f) Promulgate, amend or repeal rules and regulations for sampling, grading, inspection and certification for the purposes of carrying out the provisions of this chapter.

(g) Fix fees for sampling, grading, inspection and certification of field crop products, which fees in the aggregate shall pay the cost of services necessary to perform such sampling, grading, inspection and certification. The director may collect such fees in advance of performing the services, but shall not be required to do so if in his opinion the benefits of such services would be lessened by such advance payments.

SEC. 18. Section 896 of said code is repealed. Repeal

SEC. 19. Section 917.5 of said code is amended to read:

917.5. All rules and regulations issued under the provisions of this article shall be promulgated in the manner prescribed by Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code. Rules and regulations

SEC. 20. Section 1012.6 of said code is amended to read:

1012.6. The director may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this article. Same

SEC. 21. Section 1082 of said code is amended to read:

1082. The standards for commercial feeding stuffs shall be fixed by the director by regulation. Standards for commercial feeding stuffs

SEC. 22. Section 1106.1 of said code is amended to read:

1106.1. The director, by regulation, shall prescribe methods of selecting samples of lots or containers of eggs which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled. Any sample taken hereunder shall be prima facie evidence, in any court in this State, of the true condition of the entire lot in the examination of which said sample was taken. Sampling regulations

SEC. 23. Section 1232 of said code is amended to read:

1232. The director is authorized: Powers of director

(a) To investigate the storage, warehousing, classifying according to grade and otherwise, weighing and certification of products.

(b) Upon application to him by any person applying for license to conduct a warehouse under this chapter, to inspect such warehouse or cause it to be inspected.

(c) At any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this chapter.

(d) To determine whether warehouses for which licenses are applied for or have been issued under this chapter are suitable for the proper storage of products.

(e) By regulation, to classify warehouses licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this chapter.

(f) By regulation, to prescribe, within the limitations of this chapter, the duties of the warehousemen conducting warehouses licensed under this chapter with respect to their care of and responsibility for products stored therein.

SEC. 24. Section 1248 of said code is amended to read:

Standards regulations

1248. The director, from time to time, by regulation, may establish and promulgate standards for products by which their quality or value may be judged or determined. Federal standards for grain established under authority of the United States Grain Standards Act shall be followed as closely as possible by the director.

SEC. 25. Section 1260.1 of said code is amended to read:

Powers of director

1260.1. For the purpose of controlling insect pests of grain in public warehouses, the director is authorized:

(a) To investigate and regulate the storage and warehousing of grain.

(b) At any time, with or without application to him, and in order to determine its condition to examine or cause to be examined any warehouse or any grain stored in any warehouse.

(c) When the extent of the infestation is such as to be a menace to other grain, to order the treatment of an infested warehouse or the disposal of infested grain therein.

(d) By regulation, to prescribe, within the limitations of this chapter, the duties of warehousemen with respect to the care of grain stored in their warehouses.

(e) To enforce such rules and regulations hereunder as are necessary.

SEC. 26. Section 2649 of said code is amended to read:

Rules and regulations

2649. The director may adopt and enforce such rules and regulations as are reasonably necessary to carry out the provisions of this chapter and are not inconsistent with law.

SEC. 27. Section 3149 of said code is amended to read:

Same

3149. The director may adopt and enforce such rules and regulations as are reasonably necessary to carry out the provisions of this chapter and are not inconsistent with law.

SEC. 28. Section 12027 of the Business and Professions Code is amended to read:

Same

12027. The director may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this division.

SEC 29. Section 12107 of said code is amended to read:

Tolerance and specification regulation

12107. The director, by regulation, may establish tolerances and specifications for commercial weighing and measuring apparatus for use in the State similar to the tolerances and specifications recommended by the National Bureau of Standards, and it may establish a standard or standards of net

weight or net measure, or net count of any commodity, except any manufactured commodity consisting of four or more staple ingredients, and prescribe such tolerances for the same as may be necessary for the proper protection of the public.

Whenever a standard of net weight or net measure or net count has been established for any commodity, it is unlawful to sell such commodity by, at, or for a quantity greater or less than the standard by more than the prescribed tolerance. Unlawful sale

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CHAPTER 1750

An act to amend Sections 10080 and 11001 of the Business and Professions Code, relating to regulations of state agencies.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 10080 of the Business and Professions Code is amended to read:

10080. The commissioner may adopt, amend, or repeal such rules and regulations as are reasonably necessary for the enforcement of the provisions of this part and of Chapter 1 of Part 2. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act. In addition to other notices required by law, the commissioner shall notify the State Real Estate Board of his intention to adopt rules and regulations at least 30 days prior to such adoption. Rules and regulations

SEC. 2. Section 11001 of said code is amended to read:

11001. The Real Estate Commissioner (hereafter referred to in this chapter as the commissioner) may adopt, amend, or repeal such rules and regulations as are reasonably necessary for the enforcement of this chapter. He may issue any order, permit, decision, demand or requirement to effect this purpose. Such rules, regulations, and orders shall be adopted pursuant to the provisions of the Administrative Procedure Act. Same

SEC. 3. Section 10080 of the Business and Professions Code is amended to read:

10080. The commissioner may adopt, amend, or repeal such rules and regulations as are reasonably necessary for the enforcement of the provisions of this part and of Chapter 1 of Part 2. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act. In addition to other notices required by law, the commissioner shall notify the State Real Estate Commission of his intention to adopt rules and regulations at least 30 days prior to such adoption. Same

SEC. 4. Section 3 of this act becomes operative only if Assembly Bill No. 1626 is enacted by the Legislature at its Effect Stats. 1957, Ch. 549

1957 Regular Session, and in such case at the same time as said Assembly Bill No. 1626 takes effect, at which time Section 1 of this act is repealed.

CHAPTER 1751

An act to amend Sections 11423, 11424, and 11426 of the Government Code, relating to regulations of state agencies.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 11423 of the Government Code is amended to read:

Notice

11423. At least 30 days prior to the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be:

(a) Published in such newspaper of general circulation, trade or industry publication, as the state agency shall prescribe.

(b) Mailed to every person who has filed a request for notice thereof with the state agency.

(c) In cases in which the state agency is within a state department, mailed or delivered to the director of such department.

(d) When appropriate in the judgment of the state agency, (1) mailed to any person or group of persons whom the agency believes to be interested in the proposed action and, (2) published in such additional form and manner as the state agency shall prescribe.

Where the form or manner of notice is prescribed by statute in any particular case, in addition to filing and mailing notice as required herein, the notice shall be published, posted, mailed, filed or otherwise publicized as prescribed by that statute.

The failure to mail notice to any person as provided in this section shall not invalidate any action taken by a state agency pursuant to this article. The provisions of Article 5 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the publication of newspaper notices under this section.

SEC. 2. Section 11424 of said code is amended to read:

Contents of notice

11424. The notice of proposed adoption, amendment, or repeal of a regulation shall include:

(a) A statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation;

(b) Reference to the authority under which the regulation is proposed and a reference to the particular code sections or other provisions of law which are being implemented, interpreted, or made specific;

(c) Either the express terms or an informative summary of the proposed action;

(d) Such other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

SEC. 3. Section 11426 of said code is amended to read:

Petition

11426. Except where the right to petition for adoption of a regulation is restricted by statute to a designated group or where the form of procedure for such a petition is otherwise prescribed by statute, any interested person may petition a state agency requesting the adoption or repeal of a regulation as provided in this article. Such petition shall state clearly and concisely:

(a) The substance or nature of the regulation, amendment, or repeal requested;

(b) The reasons for the request;

(c) Reference to the authority of the state agency to take the action requested.

CHAPTER 1752

An act to amend Sections 74012, 74013, 74014, 74015, 74015.5, 74017, 74882, 74883, 74884, 74885 and 74887 of, and to add Sections 74018, 74019, 74885.5, 74888 and 74889 to, the Government Code, relating to the municipal courts established in a district embracing the City of Oxnard and Port Hueneme and in a district embracing the City of Ventura.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 74012 of the Government Code is amended to read:

Clerk, salary

74012. There shall be one clerk who shall receive a minimum salary of three hundred sixty dollars ($360) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), nineteen dollars ($19), twenty dollars ($20) and twenty-one dollars ($21) to a maximum of four hundred thirty-seven dollars ($437) monthly.

SEC. 2. Section 74013 of said code is amended to read:

Deputy clerks, salaries

74013. The clerk may appoint:

(a) Three deputy clerks grade III, each of whom shall receive a minimum salary of two hundred seventy-nine dollars ($279) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred forty-two dollars ($342) monthly.

(b) Two deputy clerks grade II, each of whom shall receive a minimum salary of two hundred fifty-two dollars ($252) monthly with annual increments, in the manner provided in this article, of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15) and fifteen dollars ($15) to a maximum of three hundred nine dollars ($309) monthly.

(c) One deputy clerk grade I who shall receive a minimum salary of two hundred twenty-seven dollars ($227) monthly with annual increments, in the manner provided in this article, of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13) and fourteen dollars ($14) to a maximum of two hundred seventy-nine dollars ($279) monthly.

SEC. 3. Section 74014 of said code is amended to read:

Marshal, salary

74014. There shall be one marshal who shall receive a minimum salary of three hundred forty-two dollars ($342) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), seventeen dollars ($17), nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred sixteen dollars ($416) monthly.

SEC. 4. Section 74015 of said code is amended to read:

Deputy marshals, salaries

74015. The marshal may appoint three deputy marshals, each of whom shall receive a minimum salary of two hundred ninety-four dollars ($294) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred sixty dollars ($360) monthly.

SEC. 5. Section 74015.5 of said code is amended to read:

Clerk, salary

74015.5. The marshal may appoint one clerk who shall receive a minimum salary of two hundred twenty-seven dollars ($227) monthly with annual increments, in the manner provided in this article, of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13) and fourteen dollars ($14) to a maximum of two hundred seventy-nine dollars ($279) monthly.

SEC. 6. Section 74017 of said code is amended to read:

Anniversary dates and changes

74017. All officers and attaches of the municipal court shall be entitled to anniversary dates and changes thereof in the manner provided in the Ventura County salary ordinance and the privileges afforded county employees in the Ventura County salary ordinance with respect to sick leave, vacations, and other benefits.

SEC. 7. Section 74018 is added to said code, to read:

Incumbent officer or attache Salary range, step level

74018. On October 1, 1957, an incumbent officer or attache of the court shall be placed in the step level of the salary range made applicable by statute to his position which pays the same rate of compensation as he received under the superseded salary range, and if there is no such equivalent salary in the new range, he shall be placed in the step level having a rate of compensation next higher than his former salary. Nothing contained herein shall serve to change the anniversary dates of incumbent officers and attaches at the effective date hereof.

SEC. 8. Section 74019 is added to said code, to read:

Officers and attaches Salary range, step level

74019. Subject to the provisions of Section 72001, the compensation of officers and attaches shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position. If it is difficult to secure qualified personnel, or if a person of unusual qualifica-

tions is hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at the second step.

(b) A step advancement from the minimum salary to the second step of a position shall be granted upon the completion of 12 months of service in the position. A person shall advance to the third, fourth and fifth steps upon completion of successive 12-month periods of service in the same position.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished, and he shall advance to the next and following steps upon completion of successive 12-month periods of service in the new position.

SEC. 9. Section 74882 of said code is amended to read:

Clerk, salary

74882. There shall be one clerk who shall receive a minimum salary of three hundred sixty dollars ($360) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), nineteen dollars ($19), twenty dollars ($20) and twenty-one dollars ($21) to a maximum of four hundred thirty-seven dollars ($437) monthly.

SEC. 10. Section 74883 of said code is amended to read:

74883. The clerk may appoint:

Deputy clerks, salaries

(a) Three deputy clerks grade III, each of whom shall receive a minimum salary of two hundred seventy-nine dollars ($279) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred forty-two dollars ($342) monthly.

(b) Two deputy clerks grade II, each of whom shall receive a minimum salary of two hundred fifty-two dollars ($252) monthly with annual increments, in the manner provided in this article, of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15) and fifteen dollars ($15) to a maximum of three hundred nine dollars ($309) monthly.

(c) One deputy clerk grade I who shall receive a minimum salary of two hundred twenty-seven dollars ($227) monthly with annual increments, in the manner provided in this article, of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13) and fourteen dollars ($14) to a maximum of two hundred seventy-nine dollars ($279) monthly.

SEC. 11. Section 74884 of said code is amended to read:

Marshal, salary

74884. There shall be one marshal who shall receive a minimum salary of three hundred forty-two dollars ($342) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), seventeen dollars ($17), nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred sixteen dollars ($416) monthly.

SEC. 12. Section 74885 of said code is amended to read:

Deputy marshals; salaries

74885. The marshal may appoint two deputy marshals, each of whom shall receive a minimum salary of two hundred ninety-four dollars ($294) monthly with annual increments, in

the manner provided in this article, of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred sixty dollars ($360) monthly.

SEC. 13. Section 74885.5 is added to said code, to read:

Clerk; salary

74885.5. The marshal may appoint one clerk who shall receive a minimum salary of two hundred twenty-seven dollars ($227) monthly with annual increments, in the manner provided in this article, of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13) and fourteen dollars ($14) to a maximum of two hundred seventy-nine dollars ($279) monthly.

SEC. 14. Section 74887 of said code is amended to read:

Anniversary dates and changes

74887. All officers and attaches of the municipal court shall be entitled to anniversary dates and changes thereof in the manner provided in the Ventura County salary ordinance and the privileges afforded county employees in the Ventura County salary ordinance with respect to sick leave, vacations and other benefits.

SEC. 15. Section 74888 is added to said code, to read:

Incumbent officer or attache Compensation

74888. On October 1, 1957, an incumbent officer or attache of the court shall be placed in the step level of the salary range made applicable by statute to his position which pays the same rate of compensation as he received under the superseded salary range, and if there is no such equivalent salary in the new range, he shall be placed in the step level having a rate of compensation next higher than his former salary. Nothing contained herein shall serve to change the anniversary dates of incumbent officers and attaches at the effective date hereof.

SEC. 16. Section 74889 is added to said code, to read:

Officers and attaches Salary ranges, step levels

74889. Subject to the provisions of Section 72001, the compensation of officers and attaches shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position. If it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at the second step.

(b) A step advancement from the minimum salary to the second step of a position shall be granted upon the completion of 12 months of service in the position. A person shall advance to the third, fourth and fifth steps upon completion of successive 12-month periods of service in the same position.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished, and he shall advance to the next and following steps upon completion of successive 12-month periods of service in the new position.

CHAPTER 1753

An act to amend Section 28118 of the Government Code, relating to compensation for public service in a county of the eighteenth class.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28118 of the Government Code is amended to read:

28118. In a county of the eighteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand seven hundred ninety-five dollars ($7,795) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, sixteen thousand dollars ($16,000) a year and actual traveling expenses while away from his office on county business, and shall be furnished an automobile for use in the performance of his duties. When traveling in his own car he shall receive nine cents ($0.09) for each mile actually traveled. He shall not personally engage in private law practice.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0.09) for each mile actually traveled.

(e) Trial jurors in criminal cases shall receive as compensation for each day's attendance for trial in the superior courts the sum of three dollars ($3) per day, and for each mile actually and necessarily traveled from their residence in attending the superior court, one way only, the sum of fourteen cents ($0.14) per mile.

CHAPTER 1754

An act to amend Sections 65020, 65025, and 65026 of the Government Code, relating to state and local planning.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 65020 of the Government Code is amended to read:

Local Planning Advisory Committee

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:

Membership

(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) A member representing the schools who shall be a county superintendent of schools.

Duties, etc

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.

Compensation, expenses, meetings

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.

SEC. 2. Section 65025 of said code is amended to read:

Master plans

65025. The Department of Finance shall, when requested, make available to each state agency master plans adopted pursuant to this title or its predecessors, and information concerning state projects, which are filed with the office and which are pertinent to the work of the state agency. Each state agency shall give consideration to such other state projects and to the master plans.

SEC. 3. Section 65026 of said code is amended to read:

Conflict in planned public works

65026. Whenever it is brought to the attention of the Department of Finance or the department determines that

there is an obvious conflict in planned public works projects between state agencies, between state and federal agencies, or between state and county, regional, or city agencies, it shall notify in writing the agencies concerned of such conflict, recommend appropriate action to eliminate such conflict and request reports on actions taken pursuant to such recommendations. The department shall encourage, and shall offer the facilities of the department for, conferences between any state agency contemplating a state project and the county or city having jurisdiction over the territory in which the project will be located, with a view to coordinating state projects and regional and local planning so far as may be practical by means of voluntary discussion and agreement between the public agencies involved.

CHAPTER 1755

An act to add Section 1607 to the Education Code, relating to the change of school district boundaries, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect immediately

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

SECTION 1. Section 1607 is added to the Education Code, to read:

Annexation or withdrawal from school district

1607. When it is proposed to annex a portion of any school district to any other school district, or when a portion of a school district proposes to withdraw from a school district, and the area proposing to annex or withdraw contains a school building, such annexation or withdrawal shall not take place without the prior approval of both boards or of the county committee on school district reorganization, augmented in the same manner as provided in Section 4902.05.

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 rapid population growth has resulted in numerous proceedings affecting the boundaries of school districts. In order to prevent the separation of schools from the students in the area now served and the resulting inability to provide for the education of the students in districts affected by the changes in boundaries it is necessary that this act take effect immediately.

CHAPTER 1756

An act to amend Sections 65060, 65062, 65063 and 65092 of, to add Sections 65063.1, 65063.2, 65063.3, 65063.4, and 65063.5 to, and to repeal Sections 65064 and 65065 of, the Government Code, relating to regional and area planning commissions.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 65060 of the Government Code is amended to read:

Regional planning districts

65060. To provide state-coordinated regional planning, the committee or any successor to the powers and duties of the committee shall divide the State into regional planning districts.

SEC. 2. Section 65062 of said code is amended to read:

Regional planning commission:

65062. A regional planning commission may be established for each regional planning district.

SEC. 3. Section 65063 of said code is amended to read:

Selection, etc.

65063. The regional planning commission shall be selected as follows:

The board of supervisors of each county within the district shall appoint one person to be a member of the commission.

The city selection committee of each county shall select one person to be a member of the commission. A member of the commission selected by a city selection committee shall be selected by a majority vote of the committee evidenced by a notice signed by the chairman of the committee.

Each member of the commission shall hold office at the pleasure of the appointing authority. Any vacancy on the commission shall be filled by appointment in the same manner as the vacating member was appointed. A majority of the members of the commission constitute a quorum for the transaction of business. Each member of the commission shall receive the actual and necessary expenses incurred by him in the performance of his duties.

The commission shall appoint a chairman from its members and such other officers as may be necessary.

SEC. 4. Section 65063.1 is added to said code, to read:

City selection committees:

65063.1. There shall be a separate and distinct city selection committee for each county or portion of a county in the district. The membership of such committees shall consist of the mayor of each city within such county or portion of a county within the district, or, where there is no mayor, the chairman or president of the city council.

SEC. 5. Section 65063.2 is added to said code, to read:

Quorum

65063.2. A majority of the members of each city selection committee shall constitute a quorum.

SEC. 6. Section 65063.3 is added to said code, to read:

65063.3. The city selection committee of each county or portion of a county shall meet on the first day of the month following the date of the appointment by the county board of supervisors of the county member of the commission in the chambers of the board of supervisors of said county for the purpose of making the first appointment to the commission as prescribed in Section 65063. The committee of each county or portion of a county shall also meet in the chambers of the board of supervisors of such county at such times as may be necessary to fill vacancies on the commission. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the county clerk of such county who shall act as the recording officer for the meeting. It shall be the duty of the county clerk to give an appropriate notice signed by the chairman of the committee to the Secretary of State and to the chairman of the commission of each appointment made by the city selection committee as prescribed in Section 65063. Meetings, etc

SEC. 7. Section 65063.4 is added to said code, to read:

65063.4. Each city selection committee shall appoint a chairman from among its members and such other officers as may be necessary. Chairman and officers

SEC. 8. Section 65063.5 is added to said code, to read:

65063.5. Members of city selection committees shall serve without compensation, but may be allowed such actual expenses incurred in the discharge of their duties as may be authorized by the commission. Compensation and expenses

SEC. 9. Section 65092 of said code is amended to read:

65092. With the approval of their legislative bodies, the chief executives of the cities and counties affected shall appoint the commission members so as to give as near as possible equal representation to each city and county. Equal representation

SEC. 10. Sections 65064 and 65065 of said code are repealed. Repeals

CHAPTER 1757

An act to add Section 27295 to the Government Code, relating to the recordation of redevelopment documents.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 27295 is added to the Government Code, to read:

27295. Where real property acquired by a municipality or a redevelopment agency or an urban renewal agency is to be

transferred in accordance with an official redevelopment plan or an urban renewal plan, any contract for such transfer and the official redevelopment plan or urban renewal plan (or such part or parts of such contract or plan as the municipality or agency may determine) shall be recorded pursuant to this chapter.

CHAPTER 1758

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

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

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

1505.5. A "state of extreme emergency" exists immediately and without a proclamation thereof by the Governor whenever this State is attacked by an enemy of the United States or upon receipt by the California Disaster Office of a warning from the Air Force or other authorized federal agency indicating that such an enemy attack is probable or imminent. A period of a state of extreme emergency existing as provided in this section shall be ended in the same manner as a state of extreme emergency proclaimed by the Governor.

CHAPTER 1759

An act to amend Sections 1560 and 1562 of the Military and Veterans Code, relating to military affairs.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1562 of the Military and Veterans Code is amended to read:

Aid through mutual aid plans

1562. During any state of extreme emergency or any state of disaster when the need arises for outside aid in any county, city and county, or city within the region, such aid shall be rendered in accordance with the mutual aid plans developed on a regional or other basis.

It shall be the duty of local public officials to comply with such plans.

In periods of local peril or emergency, other than a period of a state of disaster or a state of extreme emergency as defined by this chapter, local governmental agencies have full power

to exercise mutual aid powers in accordance with local ordinances, resolutions, agreements or plans therefor.

SEC. 2. Section 1560 of the Military and Veterans Code is amended to read:

1560. The Governor with the advice of the Disaster Council is hereby authorized and empowered to divide the State into mutual aid regions. Mutual aid regions

CHAPTER 1760

An act to amend Sections 1513, 1585 and 1586 of the Military and Veterans Code, relating to military affairs.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1513 of the Military and Veterans Code is amended to read:

1513. It shall be the duty of the Disaster Council, and it is hereby empowered: Powers and duties of Disaster Council

To act as an advisory body to the Governor in times of war or disaster and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action. The Disaster Council shall meet upon call of the Governor. During any war declared by Congress or during any national emergency proclaimed by the President of the United States, the Disaster Council shall meet not less frequently than once every other month on a day to be designated by the Governor. Notice of such meeting shall be given to each member of the Disaster Council not less than 15 days prior to the day selected by the Governor for the meeting of the council.

It shall also be the duty of the Disaster Council, and it is hereby empowered:

(a) To consider and recommend for approval by the Governor, rules or regulations or orders which are within the province of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval the boundaries of such "mutual aid regions" of the State as may be designated;

(c) To consider and approve interregional and regional mutual aid plans;

(d) To recommend to the Governor the assignment of any service or activity relative to disaster or disaster planning to a state department having duties related to such service or activity;

(e) To consider and recommend the creation by the Governor of advisory committees in order to make available to the State civilian participation and cooperation in disaster planning and activities;

(f) To consider and recommend the expenditures of moneys appropriated for any of the objects or purposes of this chapter;

(g) To consider and recommend to the Governor for approval a State Disaster Plan built around mutual aid and integrate into such plan the several state departments and agencies whose resources are necessary in coping with disasters;

(h) To encourage the development and maintenance of mutual aid plans and agreements whereunder local agencies may most effectively protect life and property during periods of emergency;

(i) To evaluate and report to the Governor on state communications systems with particular regard to their adequacy in case of disaster.

SEC. 2. Section 1585 of the Military and Veterans Code is amended to read:

Powers of Governor

1585. In the exercise of the emergency powers hereby vested in the Governor during a period of a state of extreme emergency or a state of disaster, he is authorized to commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibility hereby vested in him as Chief Executive of the State and the State shall pay the reasonable value thereof.

Notwithstanding the provisions of this section, the Governor is not authorized to commandeer any newspaper or newspaper wire service but may, during a period of a state of extreme emergency or a state of disaster, and if no other means of communication are available, utilize any newspaper wire service and the State shall pay the reasonable value of such use. In so utilizing a newspaper wire service, the Governor shall interfere as little as possible with the use of such wire service for the transmission of news.

SEC. 3. Section 1586 of the Military and Veterans Code is amended to read:

Reimbursement for property damage

1586. Before payment may be made by the State to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his responsibilities under this chapter during the period of a state of extreme emergency or a state of disaster, or for services rendered at the instance of the Governor under said conditions, such person must present a claim to the State Board of Control in accordance with the provisions of the Government Code of the State of California governing the presentation of claims against the State for the taking or damaging of private property for public use, which provisions shall govern the presentment, allowance or rejection of such claims and the conditions upon which suit may be brought against the State. Payment for such property or services shall be made from any funds appropriated by the State for such purpose.

CHAPTER 1761

An act to amend Section 1506 of, and add Section 1506.1 to, the Military and Veterans Code, relating to disaster preparedness.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1506 of the Military and Veterans Code is amended to read:

1506. As used in this chapter, "period of a state of extreme emergency" means the interval of time between the duly authorized proclamation of the existence of a state of extreme emergency and the proclamation by the Governor or the concurrent resolution of both houses of the State Legislature declaring it at an end.

"Period of a state of extreme emergency"

SEC. 2. Section 1506.1 is added to the Military and Veterans Code, to read:

1506.1. As used in this chapter, "period of a state of disaster" means the interval of time between the duly authorized proclamation of the existence of a state of disaster and the proclamation by the Governor or the concurrent resolution of both houses of the State Legislature declaring it at an end.

"Period of a state of extreme disaster"

CHAPTER 1762

An act to amend Section 4274 of the Agricultural Code, relating to stabilization and marketing plans for fluid milk and fluid cream.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4274 of the Agricultural Code is amended to read:

4274. The director may appoint local control boards for the marketing areas established as prescribed in this chapter to assist and advise him in matters pertaining to the production and marketing of fluid milk or to the operation of a stabilization and marketing plan. The board shall consist of seven members who shall be producers who supply fluid milk to the particular marketing area. The term of office of each member of a regional control board or a local control board shall be two years. Each regional control board and each local control board may meet in regular session each month, and each member shall be allowed twelve dollars ($12) per diem and mileage at the rate of nine cents ($0.09) per mile for attending such regular meetings, and any other meeting or conference

called or authorized by the director within or outside of the boundaries of the State of California. Any such board with the previous approval of the director may employ such personnel as may be necessary in the performance of its duties and shall adopt rules and regulations for its conduct. Each such board shall submit a budget of its expenses to the director for his approval. The funds to be used for the maintenance of each such board shall be paid from the proceeds of assessments and licenses paid to the director under the plan or plans of the area or areas represented upon verified claims presented by the board to the director A regional or local control board shall not incur any expenses other than those for per diem and mileage, unless approved by the director.

CHAPTER 1763

An act to amend Section 6854 of the Business and Professions Code, relating to collection agencies.

In effect September 11, 1957

[Approved by Governor July 5, 1957 Filed with Secretary of State July 8, 1957]

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

SECTION 1. Section 6854 of the Business and Professions Code is amended to read:

6854. "Collection agency" does not include any of the following unless they are conducting collection agencies:

(a) Attorneys at law.

(b) Persons regularly employed on a regular wage or salary, in the capacity of credit men or in similar capacity, except as an independent contractor; provided, however, no such person is excluded from "collection agency" if he shall file or maintain suits as assignee to collect claims assigned to him without being represented in each such suit by a duly authorized and licensed attorney at law.

(c) Common carriers.

(d) Title insurers and abstract companies, while doing an escrow business.

(e) Duly licensed real estate brokers or agents doing a real estate business.

(f) Merchant-owned nonprofit credit associations.

(g) Duly licensed personal property brokers while making collections for another person of common ownership or affiliated through corporate control.

"Collection agency" does not include any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States nor any savings and loan association subject to the jurisdiction of the Savings and Loan Commissioner of the State of California or the Federal Home Loan Bank Board.

CHAPTER 1764

An act to amend Sections 74182, 74183, 74184 and 74185 of, and to add Section 74186 to, the Government Code, relating to the officers and attaches of the municipal court established in a district embracing the City of Sacramento.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 74182 of the Government Code is amended to read:

Clerk, salary

74182. There shall be one clerk, to be appointed by the judges of the court, who shall be secretary of the court and who shall receive seven hundred fifteen dollars ($715) monthly.

SEC. 2. Section 74183 of said code is amended to read:

74183. The clerk shall appoint:

Deputy clerks, salaries

(a) One chief deputy clerk who shall be in charge of the civil division of the court and who shall receive five hundred fifty dollars ($550) monthly.

(b) Three deputy clerks grade III (Criminal Division) each of whom shall receive three hundred seventy-three dollars ($373) a month 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-five dollars ($455) a month.

(c) One deputy clerk, grade III (civil division), who shall receive three hundred seventy-three dollars ($373) a month 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-five dollars ($455) a month.

(d) One deputy clerk, grade III, who shall be in charge of the traffic violations bureau of the court and who shall receive three hundred seventy-three dollars ($373) a month 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-five dollars ($455) a month.

(e) Five deputy clerks, grade II (criminal division), each of whom shall receive three hundred twenty-two dollars ($322) a month 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) a month.

(f) Five deputy clerks, grade II (civil division), each of whom shall receive three hundred twenty-two dollars ($322) a month 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) a month.

(g) Five deputy clerks, grade I (criminal division), each of whom shall receive two hundred seventy-eight dollars ($278), a month 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) a month.

SEC. 3. Section 74184 of said code is amended to read:

Marshal, salary

74184. There shall be one marshal, to be appointed by the judges of the court, who shall receive seven hundred fifteen dollars ($715) monthly.

SEC. 4. Section 74185 of said code is amended to read:

74185. The marshal shall appoint:

Deputy marshals, salaries

(a) Three deputy marshals (sergeants) each of whom shall receive four hundred thirty-three dollars ($433) a month 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 five hundred twenty-seven dollars ($527) a month.

(b) Two deputy marshals (bailiffs) each of whom shall receive three hundred seventy-three dollars ($373) a month 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-five dollars ($455) a month.

(c) One deputy marshal (clerk grade II), who shall receive three hundred twenty-two dollars ($322) 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) a month.

(d) One deputy marshal (clerk grade I), who shall receive two hundred seventy-eight dollars ($278) a month, 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) a month.

SEC. 5. Section 74186 is added to said code, to read:

Present employees, salary range, step levels

74186. On the effective date of this section, the present employees shall be paid at that step in the five step range which is the nearest to equaling the present rate of pay of each employee plus a five percent (5%) increase over his present rate, and such date shall determine his anniversary date for future salary increases.

After determination of these initial rates of pay within the five step ranges, each employee shall serve one (1) year in a step before qualifying for advancement to the next higher step in the pay range.

On and after the effective date of this section, all new employees shall be hired at the first step of the appropriate pay range.

"Anniversary date"

For purposes of this article "anniversary date" means the effective date of the 1957 amendment to these sections 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.

CHAPTER 1765

An act to amend Sections 73872, 73873, and 73874 of, and to add Section 73875 to, the Government Code, relating to the officers and attaches of the municipal court established in a district embracing the City of North Sacramento.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 73872 of the Government Code is amended to read:

73872. There shall be one clerk who shall be secretary of the court, who shall receive a salary of five hundred fifty dollars ($550) a month. Clerk, salary

SEC. 2. Section 73873 of said code is amended to read:

73873. The clerk may appoint:

(a) Four deputy clerks, grade II, each of whom shall receive a salary of three hundred twenty-two dollars ($322) a month, 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) a month. Deputy clerks, salaries

(b) Six deputy clerks, grade I, each of whom shall receive a salary of two hundred seventy-eight dollars ($278) a month, 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) a month.

SEC. 3. Section 73874 of said code is amended to read:

73874. There shall be one marshal who shall receive a salary of five hundred fifty dollars ($550) a month. The marshal may appoint one deputy marshal (sergeant) who shall receive a salary of four hundred thirty-three dollars ($433) a month, 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 five hundred twenty-seven dollars ($527) a month. The marshal may appoint one deputy marshal who shall receive a salary of three hundred seventy-three dollars ($373) a month, 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-five dollars ($455) a month. Marshal and deputy marshals, salaries

SEC. 4. Section 73875 is added to said code, to read:

73875. On the effective date of this section, the present employees shall be paid at that step in the five-step range which

is the nearest to equaling the present rate of pay of each employee plus a five percent (5%) increase over his present rate and such date shall determine his anniversary date for future salary increases.

After determination of these initial rates of pay within the five-step ranges, each employee shall serve one year in a step before qualifying for advancement to the next higher step in the pay range.

On and after the effective date of this section, all new employees shall be hired at the first step of the appropriate pay range.

For purposes of this article "anniversary date" means the effective date of the 1957 amendment to these sections 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.

CHAPTER 1766

An act to amend Section 1026a of the Penal Code, relating to mental illness.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 1026a of the Penal Code is amended to read:

1026a. An application for the release of a person who has been committed to a state hospital, as provided in Section 1026, upon the ground that his sanity has been restored, may be made to the superior court of the county in which he is confined or of the county from which he was committed, either by such person or by the superintendent of the hospital in which the said person is confined. No hearing upon such application shall be allowed until the person committed shall have been confined for a period of not less than 90 days from the date of the order of commitment. If the finding of the court be adverse to releasing such person upon his application for release, on the ground that his sanity has not been restored, he shall not be permitted to file a further application until one year has elapsed from the date of hearing upon his last preceding application. In any hearing authorized by this section the burden of proving that his sanity has been restored shall be upon the applicant.

CHAPTER 1767

An act to add Section 3.1 to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), relating to the subzones formed within such district.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3.1 is added to the Contra Costa County Flood Control and Water Conservation District Act, to read:

Sec. 3.1. All of the provisions of this act relating to zones or participating zones are applicable to subzones formed under Section 3 of this act, and all of the powers and duties conferred or imposed by this act with respect to zones or participating zones, including the powers and duties to levy and collect taxes or assessments and to incur indebtedness and to issue and sell bonds, shall apply with respect to subzones or participating subzones. It is hereby declared that for the purposes of any tax or assessment levied under subdivision 2 of Section 12 of this act in any subzone or participating subzone, the property so taxed or assessed is equally benefited.

Whenever a special bond election is called and held under Section 13 of this act, or as authorized by Section 24 of this act, with respect to any subzone or participating subzone it shall be called and held only within such subzone or participating subzone for which the bonded indebtedness is proposed to be incurred and need not be called or held in any of the remaining territory of the zone or participating zone of which such subzone or participating subzone is a part. 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. When a project affects a single subzone only, then bonds for such subzone for the amount stated in such proceedings shall be issued and sold as in this act provided only if at the election called for that purpose two-thirds ($\frac{2}{3}$) of the votes cast in said subzone on the proposition of incurring a bonded indebtedness are in favor thereof. When the incurring of bonded indebtedness by participating subzones is to be determined at any election, no bonds for any of such participating subzones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition submitted at such election in each such participating subzone are in favor of incurring the bonded indebtedness to be undertaken by such participating subzone. Bonds of the district issued for any subzone or participating subzone pursuant to this act shall be legal investments and may be used as security, and money or funds may be invested in said bonds, as provided in Section 20 of this act with respect to bonds of the district issued for zones.

The zone advisory board provided for in Section 6.2 of this act shall constitute the subzone advisory board.

CHAPTER 1768

An act to amend Section 24878 of, and to add Section 25503.1 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 24878 of the Business and Professions Code is amended to read:

Rebates, etc. With sale of wine

24878. Except as otherwise provided in this chapter, the giving of, or offering to give, any rebate, free goods, combination deal, premium, allowance, unauthorized discount, floor stocks adjustment, or any other thing or service of value, directly or indirectly, in connection with the sale of wine subject to this chapter, or, in any other way circumventing this chapter to effect a sale at a price other than the price shown in the applicable price schedule, is a violation of this chapter.

Limitation

This section does not prohibit any cooperative buying group which on January 1, 1949, held a federal basic permit or was licensed by the department from giving, or its members from receiving, dividends or other adjustments from the general fund of the cooperative buying group. This chapter does not prohibit the furnishing of samples, advertising matter, and other selling aids or rendition of any services as authorized by this division and rules issued pursuant to this division.

SEC. 2. Section 25503.1 is added to said code, to read:

Special authorization

25503.1. Anything in this division to the contrary notwithstanding, any manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person is authorized:

(a) Only in connection with alcoholic beverages manufactured, produced or sold by such licensee, to install, service and set up window displays, promotional materials, and temporary floor displays holding merchandise in the premises of an off-sale retail licensee.

(b) Only in connection with alcoholic beverages manufactured, produced or sold by such licensee, to furnish, give, lend, rent or sell decorations and decorative materials, including holiday decorations, paintings and pictures, to an off-sale retail licensee for use in the windows and elsewhere in the interior of the retail premises in connection with advertising and promotional material or displays in the premises of such retailer; provided, that the advertising and promotional material shall have no intrinsic value other than as advertising and that the total original cost of all such decorations and decorative materials, including holiday decorations, paintings and pictures furnished by any licensee and in use at any one time in any one off-sale retail premise does not exceed fifteen dollars ($15); and provided, that the licensee or any officer, director or agent

of such licensee shall not directly or indirectly pay or credit the retailer for the display of such decorations or decorative materials or for any expense incidental to their operation.

(c) To furnish, give, lend, rent or sell to an off-sale retailer who sells the alcoholic beverages of such licensee, newspaper cuts, mats, or engraved blocks for use in the retailer's advertisements relating to such alcoholic beverages.

CHAPTER 1769

An act to amend Sections 8590 and 8594 of, and to add Section 8590.1 to, the Water Code, relating to the acquisition of real property, or interests therein, by the Reclamation Board and to the management and control or exchange of such real property or interests therein.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 8590 of the Water Code is amended to read:

Powers of board

8590. The board may do any of the following:

(a) Acquire either within or without the boundaries of the drainage district, by purchase, condemnation or by other lawful means in the name of the drainage district, all lands, rights of way, easements, property or material necessary or requisite for the purpose of bypasses, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes, including drainage purposes.

(b) Construct, clear, and maintain bypasses, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works.

(c) Construct, maintain, and operate ditches, canals, pumping plants, and other drainage works.

(d) Make contracts in the name of the drainage district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this division, or arising out of the use, taking, or damage of any property for any of the purposes of this division.

(e) Whenever real property which is devoted to or held for some other public or quasi-public use is required by the drainage district for any of the purposes set forth in this part, the board may acquire in fee or in any lesser estate in interest in the name of the drainage district real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the drainage district as aforesaid for the purposes set forth in this part.

SEC. 2. Section 8590.1 is added to said code, to read:

Utilization of part of parcel

8590.1. Wherever a part of a parcel of land is to be taken for purposes as set forth in Section 8590 of this code and the remainder is to be left in such shape or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the board may acquire the whole parcel and may sell the remainder or may exchange the same for other property needed for purposes as set forth in Section 8590 of this code.

SEC. 3. Section 8594 of said code is amended to read:

Resolution of necessity

8594. The board shall not commence any proceeding in eminent domain unless it first adopts a resolution declaring that the public interest and necessity require the acquisition, construction, or completion of the improvement for which the property or interest in property is required, or will be required, and that the property or interest described in the resolution is necessary for the improvement.

CHAPTER 1770

An act to amend Section 3044 of, and to repeal Section 3092 of, the Business and Professions Code, relating to optometry.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 3044 of the Business and Professions Code is amended to read:

Application to practice optometry

3044. Any person over the age of 21 years desiring to engage in the practice of optometry in this State may file an application for examination before the board.

The application shall be accompanied by evidence satisfactory to the board that the applicant is of good moral character and by the fee required by this chapter and shall be filed with the board at least 30 days prior to the day of any meeting at which an examination is to be held.

A cause which would be grounds for the suspension or revocation of the certificate of registration of the holder of a certificate of registration may be grounds for the denial of an application for examination before the board. The proceedings under this section shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Repeal

SEC. 2. Section 3092 of said code is repealed.

CHAPTER 1771

An act to add Section 5047.3 to the Education Code, relating to builders' risk insurance on approved projects financed by apportionments from the Public School Building Loan Fund and providing for a declaration of legislative intention from the time of the adoption of Statutes of 1949, Chapter 1389, thereof.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5047.3 is added to the Education Code, to read:

5047.3. Where a district is required by a contract entered into between itself and a general construction contractor to obtain, at its own expense, insurance covering risks incurred during any construction for which an apportionment has been made, the cost thereof may be paid directly to said district out of the Public School Building Loan Fund.

It is the intent and purpose of this section to provide for reimbursement to such school districts for all such builders' risk insurance as may have been furnished and paid for by such districts in connection with approved apportionments from the Public School Building Loan Fund from the time of the effective date of Chapter 1389 of the Statutes of 1949.

The Legislature in adopting this section expressly recognizes that eligible school districts in making provision for builders' risk insurance during the period of construction of new buildings has provided a saving for the taxpayers of such district, and also has reduced the amount which otherwise would have been paid out of the Public School Building Loan Fund to such district if the cost of such builders' risk insurance had been borne by the contractor with the district; for this reason the Legislature hereby finds, determines and declares that the adoption of this section having an effect retroactive to the effective date of said Chapter 1389 of the Statutes of 1949 is therefore lawful, proper and represents the saving of public funds for a lawful and public purpose.

The Controller of the State of California is hereby authorized and directed to cancel and annul any claims or demands against such school districts arising out of, or in any way connected with, claims for reimbursement from such school districts to the Public School Building Loan Fund arising out of the direct purchase of builders' risk insurance on any construction by any such school district under an approved application by the Local Allocation Board of the Department of Finance of the State of California.

CHAPTER 1772

An act to amend Section 37351 of the Government Code, relating to acquisition and disposition of property by cities.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

SECTION 1. Section 37351 of the Government Code is amended to read:

37351. The legislative body may purchase, lease, exchange, or receive such personal property and real estate situated inside or outside the city limits as is necessary or proper for municipal purposes. It may control, dispose of, and convey such property for the benefit of the city. The legislative body shall not sell or convey any portion of a water front, except to the State for use as a public beach or park, unless by a four-fifths vote of its members the legislative body finds and determines that the water front to be sold or conveyed is not suitable for use as a public beach or park.

CHAPTER 1773

An act to repeal Section 413½ of the Penal Code, as amended by initiative measure adopted November 3, 1914, and to repeal Section 18730 of the Business and Professions Code, relating to the holding, conducting, participating in, or being present as a spectator, of specified sporting exhibitions or motion picture exhibitions held on Memorial Day or on Sundays, the repeal of Section 413½ of the Penal Code to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.]

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

Repeal

SECTION 1. Section 413½ of the Penal Code, as amended by initiative measure adopted November 3, 1914, is repealed.

When effective

SEC. 2. Section 1 of this act shall become effective only when submitted to and approved by the electors, pursuant to Section 1b of Article IV of the Constitution of the State.

Submission to electors

SEC. 3. Section 1 of this act shall be submitted to the electors for their approval or rejection at the next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any state-wide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature

would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Section 1 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to Section 1b of Article IV of the State Constitution.

SEC. 4. Section 18730 of the Business and Professions Code is repealed. Repeal

CHAPTER 1774

An act to add Section 7614 to the Public Utilities Code, relating to equipment of railroads.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 7614 is added to the Public Utilities Code, to read:

7614. It shall be unlawful for any owner or operator of a railroad running through or within the boundaries of the State of California and engaged in the business of common carrier to operate for or transport the public or its employees in a caboose which is not provided with flush-type toilet facilities, or chemical type toilet facilities approved by the commission. Toilet facilities on cabooses

SEC. 2. The operative date of this act shall be January 1, 1959. Operative date

CHAPTER 1775

An act to amend Section 26901 of the Government Code, relating to the powers and duties of county auditors.

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 26901 of the Government Code is amended to read:

26901. The county auditor may require any person or officer indebted to the county or holding money payable into the county treasury to make an oath as to the total amount of money payable by him to the county or into the county treasury, and on what account.

CHAPTER 1776

An act to add Section 2016 5 to the Welfare and Institutions Code, relating to aid to the aged.

In effect September 11, 1957

[Approved by Governor July 5, 1957. Filed with Secretary of State July 8, 1957]

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

SECTION 1. Section 2016.5 is added to the Welfare and Institutions Code, to read:

2016 5. The actual need of any recipient eligible for aid under this chapter shall include the monthly cost of a telephone when a telephone is not readily available for the use of the recipient on the premises in which he resides. However, such need shall not be included as a basic need which is provided by the maximum grant payable under this chapter.

CHAPTER 1777

An act to amend Section 11006 of the Penal Code, relating to special agents of the Bureau of Criminal Identification and Investigation.

In effect September 11, 1957

[Approved by Governor July 5, 1957 Filed with Secretary of State July 8, 1957]

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

SECTION 1. Section 11006 of the Penal Code is amended to read:

11006. The Attorney General shall appoint and fix the salary of a chief for the bureau and such special agents, and such other employees as he deems necessary to carry out the provisions of this chapter.

CHAPTER 1778

An act to amend Section 1112 of, and to add Sections 1112 1 and 1119 to the Agricultural Code, relating to poultry and rabbit meat.

In effect September 11, 1957

[Approved by Governor July 5, 1957 Filed with Secretary of State July 8, 1957]

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

SECTION 1. Section 1112 of the Agricultural Code is amended to read:

Classifications of poultry meat

1112. As used in this article the classes of the kinds of poultry meat shall be:

(a) Chicken. The classes of chicken meat as determined by inspection of appearance and other physical characteristics are:

(1) Broiler or Fryer. A broiler or fryer is a 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.

(2) Roaster A roaster is a young chicken (usually under eight months of age) of either sex, that is tender meated, with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(3) Caponette, Caponette Fryer, or Caponette Roaster. A caponette is a young chicken with the general characteristics of either a fryer or roaster which has been treated with the hormone stilbestrol or its equivalent.

(4) Capon. A capon is an unsexed male chicken (usually under 10 months of age), that is tender meated with soft, pliable, smooth-textured skin,

(5) Hen or Stewing Chicken or Fowl. A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and nonflexible breastbone.

(6) Stag. A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(7) Cock or Old Rooster. A cock or old rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

(b) Turkey. The classes of turkey meat as determined by appearance are:

(1) Fryer or Roaster. A fryer or roaster is a young, immature turkey (usually under 16 weeks of age) of either sex, that is tender meated with soft, pliable, smooth-textured skin, and flexible breastbone.

(2) Young Turkey Hen. A young hen turkey is a young female turkey (usually under eight months of age) that is tender meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster

(3) Young Tom Turkey. A young tom turkey is a young male turkey (usually under eight months of age) that is tender meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster.

(4) Hen Turkey A hen turkey is a fully matured female turkey (usually over 10 months of age) that is less tender

meated than a young hen turkey, has a hardened breastbone, and may have coarser textured skin and patchy areas of surface fat.

(5) Tom Turkey. A tom turkey is a mature male turkey (usually over 10 months of age) with coarse skin, toughened flesh, and hardened breastbone.

(c) Rabbits. The classes of rabbit meat as determined by appearance and weight are:

(1) Rabbit Fryer. Young, domestic rabbit (usually under 12 weeks of age) with tender, fine-grained, and bright pearly white color which may be properly cooked by broiling or frying and which weighs not less than 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 three and one-half to five pounds ready-to-cook weight.

(3) Stewing Rabbit. Mature domestic rabbit of either sex (over six months of age) which may be properly cooked by stewing at any ready-to-cook weight.

(d) Ducks. The following are the various classes of ducks:

(1) Duckling. A duckling is a young duck of either sex (usually under 10 weeks of age) that is tender meated and has a bill that is not completely hardened and windpipe that is easily dented. This classification may include broilers, fryers or roasters.

(2) Duck. A duck is a mature duck or an old duck (usually over 10 weeks of age) of either sex with toughened flesh, hardened bill and a hardened windpipe.

(e) Geese. The following are the various classes of geese:

(1) Young Goose. A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(2) Mature Goose or Old Goose. A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

SEC. 2. Section 1112.1 is added to said code, to read:

Class containing two or more designations

1112.1. When a class contains two or more designations, any combination of the designations may appear in the class marking.

SEC. 3. Section 1119 is added to said code, to read:

New class designations, etc.

1119. In addition to regulations adopted by the director pursuant to Section 1115, the director may, in accordance with Chapter 4 (commencing with Section 11370), Part 1, Division 3, of Title 2 of the Government Code, adopt any necessary new class designations or modifications of existing class designations and specifications therefor, taking into consideration the standard class designations and specifications therefor promulgated by the United States Department of Agriculture.

CHAPTER 1779

An act to amend Section 7707 of, and to add Section 7713.5 to, the Education Code, relating to school district public works.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7707 of the Education Code is amended to read:

Apportionments. For public purposes

7707. Apportionment from the State School Building Aid Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board, for the following purposes, all of which purposes are hereby declared to be, and are, public works: (a) the purchase and improvement of school sites which have been approved by the State Department of Education; (b) the purchase of necessary desks, tables, chairs and other movable furniture and equipment, as approved by the Department of Education; and (c) the planning and construction, reconstruction, alteration of, the moving of portable classroom buildings on an existing site or to another school site, and addition to, school buildings, including built-in or fixed equipment, for such facilities as are approved by the Department of Education as essential, except (1) a room used solely for an auditorium for a school of any type or class and (2) a room used solely for a gymnasium or a room used solely for a cafeteria for elementary schools. This section does not prohibit the Department of Education from approving multipurpose rooms which are rooms designed to be used for two or more of the following purposes:

Approval of multipurpose rooms

(a) Classroom
(b) Auditorium
(c) Gymnasium
(d) Cafeteria
(e) Such other purposes as the district requires which are approved by the Department of Education.

Reimbursement for insurance expense

Where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter.

SEC. 2. Section 7713.5 is added to said code, to read:

Furniture or equipment. Cost standards

7713.5. Before the board approves an application for a furniture or equipment project, or an application for a new

construction project, including furniture and equipment, and after consultation with the Department of Education, it shall establish current furniture and equipment cost standards. Such standards shall not exceed the quantity and quality of furniture and equipment for comparable facilities purchased by school districts not receiving or not eligible for an apportionment under this chapter. Such standards shall consist of equipment costs for each type of classroom or pupil station which represents a differential in costs The standards shall be reviewed quarterly by the board and adjustments made in accordance with current cost standards. When standards have been adopted by the board, no apportionment shall be made by the board in excess of such standards unless a rapid increase in costs warrants an adjustment.

Amounts

Before the board approves an application for furniture and equipment in connection with an application for the replacement of, reconstruction of, alteration of, or addition to, a school building, the Department of Education, after full consideration of all the furniture and equipment existing in the applicant district that is in usable condition, shall recommend the amount that shall be approved in the application. The board may approve all or a portion of the amount so recommended.

CHAPTER 1780

An act to amend Section 4416 of, and to add Section 4355 to, and to repeal Section 4355 of, the Business and Professions Code, relating to pharmacy.

In effect September 11, 1957

[Approved by Governor July 6, 1957 Filed with Secretary of State July 9, 1957]

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

Repeal

SECTION 1. Section 4355 of the Business and Professions Code is hereby repealed.

SEC. 2. Section 4355 is added to said code, to read:

Suspension of right to practice, etc

4355. The adjudication of insanity or mental illness, or the voluntary commitment or admission to any hospital of any certificate holder for a mental illness shall operate as a suspension of the right to practice of any certificate holder under this chapter, such suspension to continue until restoration to or 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 has found, in a hearing held for that purpose, that with due regard for the public interest, such person's right to practice may be safely reinstated. In such

hearing the board may consider the results of its own investigations as well as evidence presented to it pertaining to the person's restoration to sanity. The affirmative vote of a majority of the board is necessary to restore the certificate. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

SEC. 3. Section 4416 of said code is amended to read:

Schedule of fees

4416. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the board according to the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(b) The annual fee for renewal of the permit to conduct a pharmacy shall be fixed by the board in an amount not to exceed twelve dollars ($12) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district is not to exceed five dollars ($5).

(d) The fee for any applicant for registration is not to exceed twenty-five dollars ($25).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, is not to exceed fifteen dollars ($15).

(f) The fee for the reissuance of a certificate is not to exceed fifteen dollars ($15).

(g) Except as otherwise provided in this subdivision, the annual renewal fee for a registered pharmacist may be fixed by the board at an amount not to exceed the sum of eight dollars ($8). If a registered pharmacist was issued a certificate during the 1955-56 Fiscal Year and did not pay the additional fee prescribed in subdivision (e), the annual renewal fee for such registered pharmacist may be fixed by the board during the 1956-57 Fiscal Year at any amount not to exceed the sum of twenty-three dollars ($23).

(h) The fee for a wholesaler is not to exceed fifty dollars ($50).

(i) The fee for a manufacturer is not to exceed fifty dollars ($50).

(j) The fee for a hypodermic license is not to exceed five dollars ($5).

(k) The annual fee for hypnotic license is not to exceed ten dollars ($10).

(*l*) The penalty for failure to pay any annual renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10).

CHAPTER 1781

An act to add Sections 1901.2, 1920, and 1921 to the Health and Safety Code, relating to dogs and the control of rabies in dogs.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1901.2 is added to the Health and Safety Code, to read:

"Rabies area"

1901.2. "Rabies area" shall mean any area not less than a county as determined by the director within a region where the existence of rabies constitutes a public health hazard, as found and declared by the director, after consultation with, and the approval of, the regional advisory committee A region shall be composed of two or more counties as determined by the director. For each such region there shall be an advisory committee. The regional advisory committee shall consist of nine persons which shall include a health officer, a representative of the medical profession, a veterinarian, the mayor of the city having the largest population in the area, the chairman of the board of supervisors of the county having the largest population in the area, and such representatives of the livestock industry, civic, dog owning, and humane groups as may be appointed by the director to serve without compensation, but shall be reimbursed for actual and necessary expenses incurred during service on the committee. The status of an area as a rabies area shall terminate at the end of one year from the date of the declaration unless, not earlier than two months prior to the end of such year, it is again declared to be a rabies area in the manner provided in this section. If however, the director at any time finds and declares that an area has ceased to be a rabies area its status as such shall terminate upon the date of such declaration.

Advisory committee

Termination of rabies area status

SEC. 2. Section 1920 is added to said code, to read:

1920. In rabies areas:

License

(a) Every dog owner, after his dog attains the age of four months, shall annually secure a license for said dog. License fees shall be fixed by the responsible city, city and county, or county, at an amount not to exceed limitations otherwise prescribed by state law or city, city or county, or county charter.

Vaccination

(b) Every dog owner, after his dog attains the age of four months, shall at such intervals of time not more often than once a year as may be prescribed by the department procure its vaccination by a licensed veterinarian with a canine antirabies vaccine approved by and in a manner prescribed by the state department.

Confinement or restraint

(c) All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper or harborer. Nothing in this chapter shall be

construed to prevent the sale or transportation of a puppy four months old or younger.

Impoundment

(d) Any dog in violation of the provisions of this article, and such additional provisions as may be prescribed by any local governing body, shall be impounded as provided by local ordinance.

Local pound system, rabies control program

(e) It shall be the duty of the governing body of each city, city and county, or county to maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing the provisions of this section.

Local vaccination clinics

(f) It shall be the responsibility of each city, county, or city and county to provide dog vaccination clinics, or to arrange for dog vaccination at clinics operated by veterinary groups or associations, held at strategic locations throughout each city, city and county, or county. The vaccination and licensing procedures may be combined as a single operation in such clinics. No charge in excess of actual cost shall be made for any one vaccination at such clinic. No owner of a dog shall be required to have his dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed veterinarian of the owner's choice.

All public clinics shall be required to operate under antiseptic immunization conditions comparable to those used in the vaccination of human beings.

SEC. 3. Section 1921 is added to said code, to read:

Construction

1921. Nothing in this chapter is intended or shall be construed to limit the power of any city, city and county, or county in its authority in the exercise of its police power or in the exercise of its power under any other provisions of law to enact more stringent requirements, to regulate and control dogs within the boundaries of its jurisdiction.

CHAPTER 1782

An act to amend Section 11014 of the Business and Professions Code, relating to real estate subdivisions.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 11014 of the Business and Professions Code is amended to read:

11014. The commissioner may investigate any subdivision being offered for sale or lease in this State. For the purposes of such investigations the commissioner may use and rely upon any relevant information or data concerning a subdivision obtained by him from the Federal Housing Administration, the United States Veterans Administration or any other federal agency having comparable duties and functions in relation to subdivisions or property therein.

CHAPTER 1783

An act to amend Section 4273 of the Agricultural Code, relating to stabilization and marketing plans for fluid milk and fluid cream.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 4273 of the Agricultural 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 affected by mail, or by publication for five successive days in a newspaper of general circulation 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 of notice for two successive weeks in a weekly newspaper of general circulation in the area will be considered proper publication of notice. 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 department and subject to the provisions of such plan, declaring such plan in effect within 45 days from the date of such hearing.

CHAPTER 1784

An act to add Section 932 to the Penal Code, relating to grand juries.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 932 is added to the Penal Code, to read:

932. A grand jury shall make no report, declaration, or recommendation on any matter except on the basis of its own

investigation of the matter made by such grand jury. A grand jury shall not adopt as its own the recommendation of another grand jury unless the grand jury adopting such recommendation does so after its own investigation of the matter as to which the recommendation is made, as required by this section.

CHAPTER 1785

An act to amend Section 27 of the Probate Code, relating to those who may take by will.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 27 of the Probate Code is amended to read:

27. A testamentary disposition may be made to the United States, to any instrumentality of the United States, to any of the United States, to any foreign state complying with the provisions of Chaper 3 (commencing at Section 259) of Division 2 of this code, to the State, to counties, to municipal corporations, to natural persons capable by law of taking the property, to unincorporated religious, benevolent or fraternal societies or associations or lodges or branches thereof, and to corporations formed for religious, scientific, literary, or solely educational or hospital or sanatorium purposes, or primarily for the public preservation of forests and natural scenery, or to maintain public libraries, museums or art galleries, or for similar public purposes. No other corporation can take under a will, unless expressly authorized by statute.

CHAPTER 1786

An act to add Section 70045.9 to the Government Code, relating to courts.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 70045.9 is added to the Government Code, to read:

70045.9. Notwithstanding the provisions of Section 70045 or any other provision of this article, in a county with a population of over 69,750 and under 80,000, each regular reporter shall be paid an annual salary of seven thousand two hundred dollars ($7,200), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the

days he actually is on duty under order of the court. In such a county the fee required by Section 70053 shall be six and one-half dollars ($6.50).

CHAPTER 1787

An act to add Section 7719.5 to the Education Code, relating to school district public works.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 7719.5 is added to the Education Code, to read:

7719.5. Notwithstanding the provisions of Section 7719, if an applicant school district issues and sells bonds in an amount which is within five thousand dollars ($5,000) of the maximum amount of bonds which the district could have outstanding on the date of the conditional apportionment and makes the proceeds thereof available for the purposes of the apportionment, the district shall remain eligible for an apportionment of funds under this chapter without being required to issue and sell additional bonds until the next equalized assessment of the county or counties in which the district is located irrespective of the redemption of any bonds of the district.

CHAPTER 1788

An act to amend Sections 28001 and 28003 of the Government Code, relating to the payment of salaries of county officers and employees.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 28001 of the Government Code is amended to read:

Salary warrants

28001. Except in those counties in which the board of supervisors has by ordinance fixed a different schedule of dates for the payment of salaries of the officers, deputies, clerks and employees of the several departments and institutions of the county government, as authorized in Section 28003, the auditor shall, on the first day of each month, draw his warrant upon the treasurer in favor of each officer, deputy, clerk, and employee for the amount of salary due him for the preceding month.

SEC. 2. Section 28003 of said code is amended to read:

Dates for salary payments

28003. In any county the board of supervisors may by ordinance fix a date or schedule of dates for the payment of salaries of the officers, deputies, clerks, and employees of the several departments and institutions of the county government.

CHAPTER 1789

An act to add Sections 7805, 7806, 7807, and 7808 to the Education Code, relating to state school building aid.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7805 is added to the Education Code, to read:

Certificate of attendance of exceptional children

7805. Not later than July 20th of each year the county superintendent of schools of each county in which there is a school district maintaining facilities for the education of exceptional children which have been constructed with funds apportioned to the district under this article shall certify to the board of supervisors and to the county auditor of the county the total number of units of average daily attendance of pupils enrolled in such facilities during the next preceding fiscal year who reside in a district other than the district maintaining such facilities.

SEC. 2. Section 7806 is added to said code, to read:

Special tax levy

7806. The board of supervisors with whom the certificate is filed shall, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the district of residence of each pupil enrolled in the facilities other than the district maintaining such facilities, sufficient in amount to raise the sum of one hundred sixty dollars ($160) per unit of average daily attendance for the use of the facilities.

SEC. 3. Section 7807 is added to said code, to read:

Same

7807. If the board of supervisors fails to make the tax levy, the auditor shall make the levy.

SEC. 4. Section 7808 is added to said code, to read:

School building aid fund

7808. The county auditor shall, not later than the last Monday in December and the last Monday in May of each year, notify the superintendent of schools of the amount in the county school building aid fund. Thereupon the superintendent shall draw his order on the county auditor in favor of the State Treasurer for the amount in the country school building aid fund of the county. Such amount shall be paid by the county treasurer and, upon order of the State Controller, shall be deposited in the State Treasury to the credit of the State School Building Aid Fund. All money paid to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 7903, and shall be credited to the repayment of the apportionment of funds to the school district maintaining the facilities.

CHAPTER 1790

An act to amend Sections 23772, 25500, and 25505 of the Business and Professions Code, relating to alcoholic beverages licenses.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 23772 of the Business and Professions Code is amended to read:

Persons who may not hold license

23772. No distilled spirits manufacturer's or distilled spirits manufacturer's agent's license shall be held by any person who holds any ownership or interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, loan, mortgage, or lien on any personal or real property, or otherwise, in any distilled spirits wholesaler's, rectifier's, or retailer's license.

Limitations

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) On-sale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) On-sale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, wine grower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the on-sale licensee.

SEC. 2. Section 25500 of said code is amended to read:

Activities, etc., prohibited

25500. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person shall:

(a) Hold the ownership, directly or indirectly, of any interest in any on-sale license.

(b) Furnish, give, or lend any money or other thing of value, directly or indirectly, to, or guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises

(c) Own any interest, directly or indirectly, in the business, furniture, fixtures, signs, except signs for interior use men-

tioned in subdivision (g) of Section 25503, refrigeration equipment, or lease in or of any premises operated or maintained under any on-sale license for the sale of alcoholic beverages for consumption on the premises where sold; or own any interest, directly or indirectly, in realty acquired after June 13, 1935, upon which on-sale premises are maintained unless the holding of the interest is permitted in accordance with rules of the department.

Limitations

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) On-sale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) On-sale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, wine grower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the on-sale licensee.

SEC. 3. Section 25505 of said code is amended to read:

Interests prohibited

25505. No on-sale licensee, or any officer, director, employee, or agent of such licensee, shall hold any ownership or interest, directly or indirectly, in any manufacturer's, wine grower's, rectifier's, importer's, or wholesaler's license, the business conducted under such license, or the property used in the business.

Limitations

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) On-sale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) On-sale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, wine grower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the on-sale licensee.

CHAPTER 1791

An act to amend Section 403.5 of the Agricultural Code, relating to grazing.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 403.5 of the Agricultural Code is amended to read:

Area not to be devoted to grazing

403.5. That portion of Trinity County, herein described, is declared not to be devoted chiefly to grazing:

(a) All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, T. 31 N., R. 12 W.; Section 7 and the north ½ of Section 18, T. 31 N., R. 11 W., M. D. M.

(b) Beginning at the section corner common to Sections 7 and 18, T. 33 N., R. 9 W. and Sections 12 and 13, T. 33 N., R. 10 W., thence west 20 chains; thence north 20 chains; thence west 20 chains; thence north 50 chains; thence east 17.09 chains; thence south 32° west. 5.41 chains; thence south 59° east, 13.12 chains; thence south 42° 30′ east, 4.80 chains; thence north 22° east, 5.41 chains; thence north 22° west, 4.90 chains; thence north 75° west, 3.40 chains; thence north 33° west, 2.45 chains; thence north 58° west, 4.47 chains; thence east 15.02 chains; thence south 10° west, 4.66 chains; thence south 22° east, 3.75 chains; thence north 12° east, 8.04 chains; thence east 2.00 chains; thence north 9.36½ chains; thence north 14° 30′ east, 10.58 chains; thence north 20° 30′ west, 0.42 chains; thence east 17.59 chains; thence south 30.00 chains; thence east 20.00 chains; thence south 40.00 chains; thence west 10.00 chains; thence south 20.00 chains; thence west 30.00 chains, to and closing on the starting corner.

(c) Beginning at the northeast corner of the southwest quarter of Section 17; thence south along the east line of said quarter section and the east line of the northwest quarter of Section 20, to the southeast corner of said quarter section; thence west along the south line of said quarter section and the south line of the northeast quarter of Section 19 to the southwest corner of said quarter section; thence north along the west line of said quarter section and the west line of the southeast quarter of Section 18 to the northwest corner of said quarter section; and thence east along the north line of said quarter section and the north line of the southwest quarter of Section 17 to the northeast corner of said quarter section and the point of beginning; being the southwest quarter of Section 17, the southeast quarter of Section 18, the northeast quarter of Section 19, and the northwest quarter of Section 20, T. 33 N., R. 8 W., Mount Diablo Base and Meridian.

(d) Highway U. S. 299 and all land within 500 feet of each side of the center line of the highway.

(e) All of Section 5, T. 33 N., R. 9 W., M. D. M.

The Legislature reserves to itself the power to alter or amend the declaration made by this section. Power to alter or amend declaration

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CHAPTER 1792

An act to add Sections 16271.05, 16271.15, and 16292 of the Education Code, relating to school busses.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 16271.05 is added to the Education Code, to read:

16271.05. The county superintendent of schools of any county may use school busses to transport pupils attending schools or classes operated by the county superintendent pursuant to Articles 12, 13 or 14 of Chapter 8.1 of Division 4 of this code and teachers or other employees employed by the county superintendent of schools, to and from school athletic contests or other school activities, or to and from fairs or expositions held in the State or in any adjoining state and in which the pupils participate actively or as spectators. The transportation may be provided on any day or days throughout the school year. Use of school busses

SEC. 2. Section 16271.15 is added to said code, to read:

16271.15. The county superintendent of schools of any county may use school busses within the county under his jurisdiction to provide transportation for teachers and other employees of the county superintendent of schools in connection with activities of an educational nature. Same

SEC. 3. Section 16292 is added to said code, to read:

16292. The county superintendent of schools of any county may, with the consent of the county board of education, contract for the transportation of pupils attending schools or classes operated by the county superintendent of schools pursuant to Articles 12, 13 or 14 of Chapter 8.1 of Division 4 of this code, to and from any exposition or fair, school activities, or other activities which the county superintendent of schools determines to be for the benefit of the pupils, in this State, and may pay for the transportation out of the county school service fund. Contract for transportation of pupils

CHAPTER 1793

An act to amend Section 69591 of the Government Code, relating to judges of the superior court in the County of Orange.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be eight judges of the superior court.

CHAPTER 1794

An act to amend Section 487 of the Penal Code, relating to criminal liability for grand theft.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 487 of the Penal Code is amended to read:

487. Grand theft is theft committed in any of the following cases:

1. When the money, labor or real or personal property taken is of a value exceeding two hundred dollars ($200); provided, that when domestic fowls, avocados, olives, citrus or deciduous fruits, nuts and artichokes are taken of a value exceeding fifty dollars ($50); provided, further, that where the money, labor, real or personal property is taken by a servant, agent or employee from his principal or employer and aggregates two hundred dollars ($200) or more in any 12 consecutive month period, then the same shall constitute grand theft.

2. When the property is taken from the person of another.

3. When the property taken is an automobile, horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow or pig.

CHAPTER 1795

An act to add Section 4292 to the Agricultural Code, relating to marketing of fluid milk and fluid cream.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 4292 is added to the Agricultural Code, to read:

4292. Each such plan may contain provisions whereby any distributor who purchases fluid milk under contract from any producers or association of producers may pool such milk for producer payment purposes in accordance with such contracts, irrespective of whether such milk is actually and physically received at the same milk plant or diverted, in accordance with such plan, for manufacturing purposes to a milk products plant or plants in the area of production for the marketing area.

CHAPTER 1796

An act to amend Section 28148 of the Government Code, relating to compensation for public service in counties of the forty-eighth class.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28148 of the Government Code is amended to read:

28148. In a county of the forty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand three hundred dollars ($6,300) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor shall receive three thousand five hundred dollars ($3,500) a year, and mileage for each regular or special meeting of the board for each day's attendance, at ten cents ($0.10) a mile actually traveled. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

CHAPTER 1797

An act to amend Section 28108 of the Government Code, relating to compensation for public services in the counties of the eighth class.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28108 of the Government Code is amended to read:

28108. In a county of the eighth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) Each supervisor, five thousand four hundred dollars ($5,400) a year for personal services performed personally by him as supervisor and seven cents ($0.07) for each mile traveled to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to each member of the board is in full for all official services performed by him in any public capacity.

(b) The fee for trial jurors for attendance in any court is four dollars ($4) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile for each mile actually and necessarily traveled in attending upon and returning from court, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

(c) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury five dollars ($5). For each mile actually traveled in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, seven cents ($0.07).

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

CHAPTER 1798

An act to amend Section 101 of the Streets and Highways Code, relating to state highways.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 101 of the Streets and Highways Code is amended to read:

101. (a) The department shall keep in repair all objects or markers adjacent to a state highway which have been erected to mark registered historical places and shall keep such markers free from vegetation which may obscure them from view.

(b) When the Legislature, by concurrent resolution, has designated names for certain districts and state highway bridges, and requested the placing of name plaques at the boundaries of the districts or on the bridges, the department is authorized to expend reasonable sums for such plaques.

CHAPTER 1799

An act to amend Section 1468 of the Fish and Game Code, and amend Section 1348 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to the Wildlife Conservation Board.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1468 of the Fish and Game Code is amended to read:

1468. 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.

Acquisitions

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 of the Fish and Game Code adopted in 1933 is repealed.

Effect. Stats. 1957, Ch. 456

CHAPTER 1800

An act to add Chapter 5 (commencing at Section 12878) to Part 6 of Division 6, and to repeal Articles 4 (commencing at Section 8400), 5 (commencing at Section 8425) and 6 (commencing at Section 8440) of Chapter 3 of Part 2 of Division 5 of the Water Code, relating to maintenance areas for flood control projects, and to transfer the assets, resources and liabilities of the Flood Control Maintenance Revolving Fund to the Water Resources Revolving Fund, and making an appropriation therefor.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 5 (commencing at Section 12900) is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 5. MAINTENANCE AREAS

Article 1. Formation of Maintenance Areas

Definitions

12878. Unless the context otherwise requires, the following definitions apply throughout this chapter:

(a) "Department" means Department of Water Resources.

(b) "Director" means the Director of Water Resources.

(c) "Board" means the State Reclamation Board.

(d) Wherever the words "board or department" or "board or director" are used together in this chapter they shall mean board as to any project in the Sacramento or San Joaquin Valleys or on or near the Sacramento River or the San Joaquin River or any of their tributaries, and department or director as to any project in any other part of the State outside of the jurisdiction of the board.

(e) "Project" means any project which has been authorized pursuant to Chapters 2 (commencing at Section 12639) and 4 (commencing at Section 12850) of this part and concerning which assurances have been given to the Secretary of the Army or the Secretary of Agriculture that the State or a political subdivision thereof will operate and maintain the project works in accordance with regulations prescribed by the Federal Government.

(f) "Maintenance" means work described as maintenance by the federal regulations issued by the Secretary of the Army or the Secretary of Agriculture for any project.

(g) "Maintenance area" means described or delineated lands which are found by the board or department to be benefited by the maintenance and operation of a particular unit of a project.

(h) "Unit" means any portion of the works of a project designated as a unit by the board or department, other than the works prescribed in Section 8361 of this code, or works operated and maintained by the United States.

(i) "Land" includes improvements.

(j) "Local agency" means and includes all districts or other public agencies responsible for the operation of works of any project under Section 8370 of this code or under Chapters 2 (commencing at Section 12639) and 4 (commencing at Section 12850) of this part or any other law of this State now in effect or hereafter enacted.

Statement Operation and costs

12878 1. Whenever the department finds that a unit of a project is not being operated or maintained in accordance with the standards established by federal regulations or whenever the governing body of a local agency obligated to operate and maintain any such unit by resolution duly adopted and filed with the department declares that it no longer desires to operate and maintain such unit, the department shall prepare a statement to that effect specifying in detail the particular items of work necessary to be done in order to comply with the standards of the Federal Government together with an

estimate of the cost thereof for the current fiscal year and for the ensuing fiscal year.

Description of unit, etc

12878.2. The statement shall include a description of the unit and the name of the local agency, if any, responsible for its operation and maintenance and such statement shall be transmitted to the affected local agency in all cases and also to the board as to projects under its jurisdiction.

Inadmissible as evidence

12878.3. Any such statement shall not be admissible as evidence in any court action brought against the local agency, its governing body or any member thereof or the State or any of its officials, nor shall the failure of the local agency, its governing body, or any member thereof, or the State or any of its officials, to comply with anything which may be specified as necessary in any such statement, be construed as negligence in any such action.

Protest, hearing

12878.4. If the local agency, within 45 days after the date of receipt of the said statement of the department, files a protest thereto with the board or department setting forth in detail the basis of its objections, then the board or department shall schedule a hearing to be held within 30 days of the filing of the said protest to hear any relevant information which said local agency may care to present in support of its protest. As to projects under the jurisdiction of the board, the board shall make such investigation as it deems necessary to determine the likelihood that the unit will thereafter be operated and maintained satisfactorily by the local agency. The said local agency shall be given at least 10 days written notice of the date and place of said hearing. Representatives of the local agency, the department and other interested parties may appear at the said hearing and present any information relevant to the said protest of the local agency or in support of the statement of the department. Upon conclusion of said hearing, if the board or department finds that there are no items of defective maintenance, or that the local agency will correct the deficiencies and maintain and operate the project works in accordance with the standards established by the federal regulations, there shall be no further proceedings under the provisions of this chapter.

Investigation and hearing

No further proceedings

Maintenance area

12878.5. If no protest is received by the board or department pursuant to the provisions of the preceding section, the board or department shall adopt and establish the estimated sum previously set forth in the statement of the department made pursuant to Section 12878.1 of this code as the amount necessary to maintain the unit during the current and the ensuing fiscal year and shall thereupon proceed with the formation of a maintenance area in accordance with the provisions of this chapter.

Same

12878.6. If, within 30 days after conclusion of the hearing held pursuant to Section 12878.4 of this code, the governing body of the local agency has not given assurances satisfactory to the board or department that the said local agency will correct the deficiencies and maintain and operate the project

works in accordance with the standards established by the federal regulations, or that such local agency does not desire to continue to operate and maintain such unit, or that there is no such local agency obligated to so maintain and operate such unit, the board or department shall establish the amount of money necessary to maintain the unit during the current and ensuing fiscal year and shall proceed with the formation of a maintenance area in accordance with the provisions of this chapter.

Description and map

12878.7. The board or department shall prepare a description of the proposed boundaries together with a map thereof for each maintenance area to be formed. For the purpose of preparing these boundaries and this map, the board or department shall make such investigations as may be necessary and may utilize any and all books, maps, or other relevant records, whether or not on file in the offices of the board or department or any other office or agency of the State. All officers or agencies of the State shall render whatever assistance may be required to facilitate the work of the board or department pursuant to the provisions of this chapter.

Zones

12878.8. Any maintenance area may be divided into zones when it is determined by the investigation that the benefit to the land in the area is not uniform throughout the area.

Numerical designation

12878 9. If a maintenance area is divided into zones, the zones shall be given a numerical designation starting with Zone 1 which shall be the zone which receives the greatest proportional benefit. This benefit shall be expressed as 100 percent and the benefits received by the other zones shall be expressed in terms of relatively smaller percentages as such benefits compare with those received by Zone 1. The map of the proposed boundaries of the maintenance area shall also show the boundaries of the zones, if any, therein and the percentages of benefits to each such zone. The amount to be collected from each zone of a maintenance area shall be determined by the following formula: the assessed valuation of the land within the zone, multiplied by the percentage of benefit for that zone, multiplied by the total amount to be collected in the maintenance area; divided by the sum of the various products obtained by multiplying the assessed valuation of each zone in the maintenance area by its corresponding percentage of benefit.

Hearing

12878.10. Upon completion of the said description and map, the board or department shall schedule a hearing to be held either at some convenient place within the proposed boundaries of the maintenance area or at Sacramento, whichever appears to the board or department to be more convenient for all interested parties.

Notice

12878.11. Notice of the hearing shall be given by publication in at least one newspaper of general circulation within the proposed boundaries of the maintenance area for at least once a week for two successive weeks.

Contents of notice

12878.12. The notice shall state the time and place of hearing, that the purpose of the hearing is to establish the boundaries of the maintenance area benefited by the continued operation and maintenance of the unit, and the location of the place or places where the map showing the proposed boundaries as determined by the board or department may be inspected by any interested person. The notice shall include a description of the maintenance area, which may be brief and in general terms.

Evidence

12878.13. At the hearing any owner of land within the proposed boundaries of the maintenance area or other interested person may offer, and the board or department shall receive, any relevant evidence or testimony relating to the establishment of the boundaries of the area, the zones therein, or the benefits to be received by the continued operation and maintenance of the unit. Any such owner or interested person may object to the inclusion of land within the maintenance area or any zone therein or may request the inclusion of any other land within the area or a change in the boundaries or percentage of benefits of any zone.

Land outside exterior boundaries

12878.14. Land lying without the exterior boundaries of the proposed maintenance area as shown on the map prepared by the board or department shall not be included within the maintenance area unless at the hearing the owner thereof consents or the owner is given notice and an opportunity to object to such inclusion and to be heard thereon.

Adjournment of hearing.

12878.15. When any such additional land is proposed to be included and the owner's consent is not given, the hearing shall be adjourned to a specified time and place.

Notice

12878.16. Notice of such adjourned hearing, where additional land is to be included, and the purpose thereof shall be given by publication of notice at least once a week for two successive weeks in a newspaper of general circulation in the county in which the land, or the greater portion of the land, sought to be included is situated, or, in lieu of such publication, by service by registered mail upon the owner of such land as determined by the last equalized assessment roll in accordance with which such land was assessed.

Establishment of boundaries

12878.17. Upon the final conclusion of such hearing the board or department shall establish the boundaries of the maintenance area and of the zones therein and the percentages of benefits of the respective zones, in such manner that all of the lands benefited by the continued operation and maintenance of the unit will be included in the maintenance area and that all land within the area will be classified in proportion to the benefits received by it.

Land benefited by more than one unit

12878.18. Land benefited by more than one unit may be included within as many maintenance areas as there are units by which it is benefited.

Order or resolution

12878.19. The establishment of a maintenance area pursuant to this chapter shall be evidenced by an order or resolu-

tion of the board or director creating such area. The order or resolution shall describe the boundaries of the maintenance area and of the zones and the percentage of benefits for each zone, if any, and each such area shall be given a name, which may include a number, by which the area shall be known and designated. Such name shall be as brief as circumstances permit.

Same Filing

12878.20. The order or resolution determining and establishing the boundaries thereof shall be filed for record in the office of the county recorder of each county within which any portion of a maintenance area is located. Thereupon the determination and establishment of such maintenance area shall be complete.

Operation and maintenance

12878.21. Upon the formation of a maintenance area, the department shall thereafter operate and maintain the unit until such time as the maintenance area may be dissolved pursuant to the provisions of this chapter.

Article 2. Dissolution of Maintenance Areas

Dissolution of maintenance areas

12878.22. Any local agency obligated by Chapters 2 (commencing at Section 12639) and 4 (commencing at Section 12850) of this part, or by Section 8370 of this code, or by any other law of the State, to operate and maintain any unit, any part of whose territory has been incorporated in a maintenance area, or any local agency desirous of assuming the obligation of operating and maintaining any unit concerning which unit a maintenance area has been formed pursuant to this article, may petition the board or department to dissolve such maintenance area, and the board or department, after a hearing, may dissolve such maintenance area if in its discretion it finds it to be in the best interest of the State to do so.

Article 3. Modification of Maintenance Areas

Modification of maintenance areas

12878.23 The boundaries of any established maintenance area or zones therein, the description of works to be maintained therein, and the determination of relative benefits within any zone may be modified by the board or department upon its own initiative or upon petition by the governing body of the local agency formerly responsible for the operation and maintenance of the unit or by the board of supervisors of the county in which all or a portion of the unit is located.

Proceedings

12878.24. Upon receipt of any such petition for modification or upon initiation of any such proceeding by its own action the board or department shall conduct such modification proceedings as near as may be in the manner provided in this chapter for the formation of maintenance areas, and may make such modification if in its discretion and judgment the best interests of the State and the area affected will be served thereby.

Article 4. Assessments for Maintenance and Operation

Presumption of benefit

12878.25. The land within each zone, and the land within each maintenance area, if no zones are established therein, shall be conclusively presumed to be benefited by the continued operation and maintenance of the unit in accordance with the assessed valuation of the land and the improvements thereon, and shall be subject to assessment as provided in this article.

Assessments and boundary changes

12878.26. Each maintenance area is a district within which assessments are collected according to the value of the land therein, and the provisions of Chapter 8 (commencing at Section 54900), Part 1, Division 2, Title 5 of the Government Code shall be complied with.

Cost estimate

12878.27. The department shall, prior to the first day of April of each year, estimate the cost of the operation and maintenance of each unit during the ensuing fiscal year and during the current fiscal year where no assessment has been levied or collected for the current fiscal year and adjust such estimates as provided in Section 12878.44. The department shall transmit a copy of such estimates to the board as to all units within the jurisdiction of the board.

Hearing

12878.28. Following the first day of April of each year, the board or department shall hold a hearing at Sacramento on the matter of fixing the estimates and assessments for all units to be operated or maintained by the department pursuant to this chapter.

Notice

12878.29. Notice of the hearing shall be given by publication in at least one newspaper of general circulation in each maintenance area affected for at least once a week for two successive weeks.

Contents of notice

12878.30. The notice shall set the time and place of the hearing which shall be held not less than 10 days following the completion of publication as to all maintenance areas, and shall state that the purpose of the hearing is to confirm or modify or revise the program of work to be performed on the units for which estimates have been made pursuant to Section 12878.27, and to determine the necessity for such work and the amount of the estimates therefor.

Evidence

12878.31. At the hearing any owner of land in any maintenance area affected, or other interested person may offer, and the board or department shall receive, any relevant evidence or testimony concerning the proposed program of work relating to any such unit, the necessity for such work, or the estimate of the cost thereof.

Fixing amount of assessment

12878.32. Upon the final conclusion of such hearing the board or department shall fix the amount of the estimate for each such unit for all purposes of the assessments provided for in this article, and in all cases where the board fixes the said amount it shall immediately notify the department of the amounts thereof.

Area within more than one county

12878.33. If any area or zone lies within more than one county, the department shall divide the amount of the estimate

in the proportion of the assessed valuation of the land in the area or zone lying in each county. The assessed valuation shall be determined on the basis of the last equalized assessment roll of the respective counties.

Use of assessment rolls

Certification of amount required

12878.34. The department shall certify to the auditor and board of supervisors of each county in which each maintenance area, or part thereof, lies, the amount required, in order to pay the estimate for the ensuing fiscal year or the current fiscal year where no assessment has been levied or collected for the current fiscal year, to be levied in each area, and if the area is divided into zones, the amount required to be levied for such purposes in each zone.

Assessment:

12878.35. The board of supervisors of each county in which there lies a maintenance area or any portion thereof shall annually, and at the time of levying county taxes, levy on the land within the county and within the area, or if zones are established, within each zone, an ad valorem assessment sufficient to raise the amount or amounts certified by the department.

Identification

12878.36. Each assessment shall be identified by the name and number, if any, of the area, and by the number of the zone, if a zone is involved.

Rate

12878.37. The board of supervisors shall determine a rate of assessment sufficient to cover the amount of the estimate for each area or zone, making reasonable allowance for anticipated delinquencies. If a fraction of a cent occurs in a valuation of one hundred dollars ($100), it shall be taken as a full cent. The assessment shall be computed and entered upon the assessment roll by the auditor.

Collection, etc

12878.38. Assessments levied pursuant to this article shall be collected at the same time and in the same manner as county taxes. So far as applicable, all provisions of law relating to the equalization, levy, payment, and collection of county taxes shall apply to such assessments and all provisions of law relating to the duties of county officers in relation to county taxes shall apply to such assessments, except as otherwise expressly provided by this chapter, so far as the same are or may be made applicable.

Accounting and transmittal of money

12878.39. All money raised by such assessments shall be accounted for separately as to each area and zone. All such money shall be transmitted by January 1st and July 1st of each year to the department for deposit in the Water Resources Revolving Fund.

Article 5. Administration of Maintenance Area Funds

Appropriation

12878.41. All money deposited in the Water Resources Revolving Fund pursuant to Section 12878.39, and all money transferred to the Water Resources Revolving Fund from the Flood Control Project Maintenance Revolving Fund, or appropriated for flood project maintenance under this chapter, is appropriated for the purposes of this chapter without regard

to fiscal years and shall not be subject to the provisions of Section 16304 of the Government Code.

Separate accounts, availability of funds

12878.42. The department shall keep a separate account for each maintenance area as to money deposited under Section 12878 39 and expenditures under this chapter in such area. The money in such accounts shall be available to the department for expenditure for the operation and maintenance of the unit for which the maintenance area was formed and from which the money in the account was derived.

Same

12878.43. The department shall keep a separate account for money appropriated for the purposes of this chapter from the General Fund. The money in this account shall be available to the department for expenditure for the maintenance and operation of any unit for which a maintenance area is formed to the extent there is no money, or insufficient money, available under Section 12878.42. All money so expended shall be repaid from any money subsequently deposited by the benefited maintenance area.

Limitation of expenditures, deficits

12878.44. Money expended upon any unit during any fiscal year shall not exceed by more than 20 percent the amount of the estimate for such unit for such fiscal year. If in any fiscal year more money will be expended upon a unit than is, or will be, available from assessments or collections thereon derived from the maintenance area, the estimated amount of the deficit shall be added to the estimate for said unit for the following fiscal years, and if less will be expended than collected, the estimated amount of such excess shall be deducted from the estimate.

State Controller

12878.45. The State Controller shall have no responsibility for verifying the correctness of the claim as to the account upon which it is drawn, and the State Controller shall keep no separate accounts for the maintenance areas under this chapter within the Water Resources Revolving Fund.

Flood Control Project Maintenance Revolving Fund abolished, etc.

SEC. 2. The Flood Control Project Maintenance Revolving Fund is hereby abolished. All assets, resources, and liabilities of this fund shall be transferred as of the effective date of this act to the Water Resources Revolving Fund.

Repeals

SEC. 3. Articles 4 (commencing at Section 8400), 5 (commencing at Section 8425) and 6 (commencing at Section 8440) of Chapter 3, Part 2, Division 5 of the Water Code are repealed.

CHAPTER 1801

An act to repeal Sections 544, 630.1, and 630.2 of the Agricultural Code, relating to milk and milk products.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957]

In effect September 11, 1957

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

SECTION 1. Sections 544, 630.1, and 630.2 of the Agricultural Code are repealed.

CHAPTER 1802

An act to amend Sections 1203, 1204, 1205, 1223, 1242, 1243, 1244, 1260, 1261, 1262, 1263, 1265, 1281, 1283, 1284, 1285, 1286, 1287, 1288, 1290, 1300 and 1320 of, the Business and Professions Code and to repeal Sections 3, 4, and 5 of Chapter 1727 of the Statutes of 1951, relating to clinical laboratory technology.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1203 of the Business and Professions Code is amended to read:

"Clinical laboratory bioanalyst"

1203. As used in this chapter, "clinical laboratory bioanalyst" means any person licensed under this chapter to engage in the work and direction of a clinical laboratory.

SEC. 2. Section 1204 of said code is amended to read:

1204. As used in this chapter, "clinical laboratory technologist" means any person other than a licensed clinical laboratory bioanalyst or registered clinical laboratory technologist trainee who is licensed or registered under this chapter to perform the technical procedures called for in a clinical laboratory under the direction of a clinical laboratory bioanalyst or physician and surgeon.

SEC. 3. Section 1205 of said code is amended to read:

"Clinical laboratory technologist trainee"

1205. As used in this chapter, "clinical laboratory technologist trainee" means any person registered under this chapter for the purpose of receiving comprehensive practical experience and instruction in clinical laboratory procedures under the direct and responsible supervision of a duly licensed physician and surgeon, clinical laboratory bioanalyst, or clinical laboratory technologist in a clinical laboratory certified for this purpose by the department under this chapter.

SEC. 4. Section 1223 of said code is amended to read:

Employing trainees

1223. The department may approve clinical laboratories desiring to employ clinical laboratory technologist trainees for training purposes upon satisfactory evidence that said laboratories possess qualified personnel and are equipped to carry out all of the laboratory procedures commonly required in the following fields: bacteriology, serology, parasitology, hematology, and biochemistry; and that the scope of activities of said laboratories offer sufficient training in said laboratory procedures.

SEC. 5. Section 1242 of said code is amended to read:

Performance of skin puncture. Technologist or bioanalyst

1242. A duly licensed clinical laboratory technologist or clinical laboratory bioanalyst may perform venipuncture or skin puncture for test purposes upon specific authorization from any person in accordance with the authority granted under any provisions of law relating to the healing arts, or granted under the Chiropractic Act.

SEC. 6. Section 1243 of said code is amended to read:

1243. A student or registered clinical laboratory technologist trainee regularly matriculated in any college or university accredited by the Western College Association, Northwest Association of Secondary and Higher Schools or an essentially equivalent accrediting agency, as determined by the department, or in any legally chartered school approved by the department or receiving training in any clinical laboratory approved by the department may perform venipuncture or skin puncture as a part of the necessary training program when done under the direct and responsible supervision of a licensed clinical laboratory technologist, clinical laboratory bioanalyst, or physician and surgeon. Same Student or trainee

SEC. 7. Section 1244 of said code is amended to read:

1244. The provisions of this chapter do not apply to bona fide investigational or consultative clinical laboratory procedures performed by members of the faculty in the course of their employment in institutions accredited by the Western College Association, Northwest Association of Secondary and Higher Schools or an essentially equivalent accrediting agency, as determined by the department. Application Accrediting agency

SEC. 8. Section 1260 of said code is amended to read:

1260. The board shall issue a clinical laboratory bioanalyst's license to each person who is a lawful holder of a degree of bachelor of arts or bachelor of science or equivalent degree issued after a full course of resident instruction in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association, Northwest Association of Secondary and Higher Schools or an essentially equivalent accrediting agency, as determined by the department, with a major work for such degree in one of the biological or chemical sciences who has had a minimum of five years' experience, at least one year of which must have been immediately antecedent to admission to the examination, either as a licensed clinical laboratory technologist or its equivalent performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory satisfactory to the department, and whom the board finds by written, oral, and practical examination to be properly qualified. The board shall establish by regulation the required courses to be included in the college or university training. The following may be accepted as equivalent of, and substituted for, experience to a maximum of three years for such experience: (1) a master's degree in fundamental medical sciences, one year; (2) a doctorate in fundamental medical sciences, two additional years. License

SEC. 9 Section 1261 of said code is amended to read:

1261. The board shall issue a clinical laboratory technologist's license to each person found by it to be properly qualified and it shall hold written, oral, or practical examinations to aid it in judging the qualifications of applicants. The Examination

examinations for license to work in a clinical laboratory as a technologist shall cover the field of the five subjects of bacteriology, serology, biochemistry, hematology, and parasitology, except that the examination for a special clinical laboratory technologist's license in biochemistry, bacteriology and serology, or parasitology, shall be concerned only with the subject or subjects in which the license is to be issued. The prerequisites for entrance into the examination shall be one of the following:

(a) Completion of a regular four-year college or university curriculum in medical or clinical laboratory technic with a degree of bachelor of arts or bachelor of science in a college or university approved by the department, the last year of which course shall have been primarily clinical laboratory procedure; provided, however, that if the curriculum did not include practical clinical laboratory work, six months as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department shall be required; or

(b) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association, Northwest Association of Secondary and Higher Schools or an essentially equivalent accrediting agency, as determined by the department, with a degree of bachelor of arts or bachelor of science and a major in bacteriology, biochemistry, or essentially equivalent subject or subjects as may be determined by the department plus one year as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department. One year of practical experience in a public health laboratory may be accepted if such experience or if university or college courses included practical work in clinical biochemistry and hematology;

(c) A minimum of three years of experience as a clinical laboratory technologist trainee or the equivalent as determined by the department doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department and 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department: general inorganic chemistry—8; quantitative analysis—3; basic biological science—8; bacteriology—4. Additional college or university work which includes courses in the fundamental sciences may be substituted for two of the three years of experience in the ratio of 30 semester hours or equivalent quarter hours for each year of experience. Time spent in a school approved by the department under Section 1222 of this chapter shall count as acceptable experience on a month for month basis.

SEC. 10. Section 1262 of said code is amended to read:

1262. No license as a clinical laboratory technologist shall be issued by the board except after examination; provided, that, when delay in meeting these requirements would work a hardship, a temporary clinical laboratory technologist's license may be issued to an individual who by training or experience is apparently qualified; provided, however, that no person shall be issued such temporary license if he has failed a previous examination for said license. Temporary license

SEC. 11. Section 1263 of said code is amended to read:

1263. The department shall register as a clinical laboratory technologist trainee each qualified person, upon application and payment of the fee for such registration, who desires a trainee status in any laboratory or school, other than a college or university accredited by the Western College Association, Northwest Association of Secondary and Higher Schools or an essential equivalent accrediting agency, as determined by the department, that is approved by the department to give such training. In order to qualify for registration an applicant must have 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department: general inorganic chemistry—8; quantitative analysis—3; basic biological sciences—8; bacteriology—4. Registration certificates shall not be issued for a period in excess of two years after completion of the minimum training period required for the trainee to qualify for the clinical laboratory technologist's examination. Registration as trainee

SEC. 12. Section 1265 of said code is amended to read:

1265. The board shall issue a clinical laboratory permit to any person who has applied for said permit on forms provided by the department and who is found to be in compliance with the provisions of this chapter. The application shall include the name or names of the owner or the owners, the name of the director, and the name and location of the laboratory, and such other information as may be required by the department. Application shall be made by the owner of the laboratory and the director prior to its opening. A permit to conduct a clinical laboratory where the owner is not the director shall be issued jointly to the owner and the director and for the premises stated therein, and they shall be severally and jointly responsible to the department for the maintenance and conduct thereof or for any violations of the provisions of this chapter and regulations pertaining thereto. The board shall not issue a permit until it is satisfied that the clinical laboratory will be operated within the spirit and intent of this chapter, that the owner and director are each of good moral character, and that the granting of such permit will not be in conflict with the interests of public health. A separate permit must be obtained for each location. A permit shall be automatically revoked if there is a change of address, director, or ownership of the laboratory. However, Application for permit

a new permit may be secured for the new location, director, or owner prior to the actual change; provided, that the contemplated change is in compliance with all the provisions of this chapter and regulations pertaining thereto. The permit shall be valid for the calendar year for which it is issued unless revoked Any revocation of a permit under this section shall be conducted in compliance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 13. Section 1281 of said code is amended to read:

Acting as unlicensed technologist

1281. It is unlawful for any person to act as a clinical laboratory bioanalyst unless he is licensed in that capacity under this chapter.

SEC. 14. Section 1283 of said code is amended to read:

Tests by unqualified operators

1283. It is unlawful for any person to make any test or examination in a clinical laboratory unless the person is one of the following:

(a) A licensed clinical laboratory technologist in the subject or subjects concerned with the test or examination.

(b) A licensed clinical laboratory bioanalyst.

(c) A physician and surgeon licensed under the chapter on medicine of this code.

(d) A registered clinical laboratory technologist trainee under direct and responsible supervision.

SEC. 15. Section 1284 of said code is amended to read:

Unlicensed operation of laboratory

1284. It is unlawful for any person to conduct, maintain, or operate a clinical laboratory unless such clinical laboratory is under the direct and responsible supervision and direction of one of the following:

(a) A licensed clinical laboratory bioanalyst

(b) A physician and surgeon licensed under the chapter on medicine of this code.

SEC. 16. Section 1285 of said code is amended to read:

Nominal director

1285. It is unlawful for a licensed clinical laboratory bioanalyst or physician and surgeon to serve only as the nominal director or supervisor of a clinical laboratory.

SEC. 17. Section 1286 of said code is amended to read:

Employment of unlicensed persons

1286 It is unlawful for any person conducting, maintaining, or operating a clinical laboratory to employ any person to perform clinical laboratory procedures except a licensed physician and surgeon, a licensed clinical laboratory technologist, a licensed clinical laboratory bioanalyst, or a registered clinical laboratory technologist trainee.

SEC. 18. Section 1287 of said code is amended to read:

Unsupervised trainee

1287. It is unlawful for a registered clinical laboratory technologist trainee to work or to be employed in a clinical laboratory unless there are on active duty in the laboratory one or more licensed clinical laboratory technologists, one or more licensed clinical laboratory bioanalysts, or one or more licensed physicians and surgeons.

SEC 19 Section 1288 of said code is amended to read:

More than two trainees

1288. It is unlawful for more than two registered clinical laboratory technologist trainees to work or be employed at the

same time in the same clinical laboratory unless said laboratory has established an approved training school as provided in Section 1222 of this chapter.

SEC. 20. Section 1290 of said code is amended to read:

Unapproved trainees

1290. It is unlawful for any person to accept clinical laboratory technologist trainees for training without approval of the department.

SEC. 21. Section 1300 of said code is amended to read:

Fees

1300. The amount of application and license fee under this chapter shall be as follows:

(a) The application fee for a clinical laboratory bioanalyst's license is twenty-five dollars ($25).

(b) The annual renewal fee for a clinical laboratory bioanalyst's license is ten dollars ($10).

(c) The application fee for a clinical laboratory technologist's license is five dollars ($5).

(d) The annual renewal fee for a clinical laboratory technologist's license is two dollars ($2).

(e) The application fee for a clinical laboratory permit is ten dollars ($10); provided, however, that when the applicant is a city, county, or city and county, or an official thereof, no fee shall be required.

(f) The annual renewal fee for a clinical laboratory permit is ten dollars ($10); provided, however, that when the applicant is a city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(h) The annual renewal fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(i) The application fee for a duplicate certificate is one dollar ($1).

SEC. 22 Section 1320 of said code is amended to read:

Suspension or revocation

1320. Licenses or permits issued by the board may be revoked or suspended for each of the following reasons:

(a) Conduct involving moral turpitude or dishonest reporting of tests.

(b) Violation of any of the rules and regulations of the board applicable to this chapter.

(c) Permitting a registered clinical laboratory technologist trainee to perform tests, procure specimens or act for the director in the absence of a duly licensed clinical laboratory technologist, clinical laboratory bioanalyst, or physician and surgeon.

(d) Violation of any provision of the Business and Professions Code governing the practice of medicine and surgery.

(e) Proof that the holder has made false statements in material regard on his application for licensure or laboratory permit or that he has used any degree or certificate as a means of qualifying for licensure which has been purchased or pro-

cured by barter or by any unlawful means or obtained from any institution which at the time said degree or certificate was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree or certificate is claimed.

(f) The use of any degree, certificate, or title in any manner, which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree, certificate, or title was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree, certificate, or title is claimed.

(g) Violation of any of the provisions of the premarital and prenatal laws, Article 2a, Chapter 1, Title 1, Part 3, Division 1 of the Civil Code and Part 2, Division 16 of the Health and Safety Code.

(h) The advertising of clinical laboratory procedures to the lay public in magazines, newspapers, directories, circulars, signs, etc.

(i) Knowingly accepting an assignment for clinical laboratory tests or specimens from and the rendering a report thereon to persons not licensed by law to submit such specimens or assignments.

(j) Rendering a report on clinical laboratory work actually performed in another clinical laboratory without designating the laboratory in which the test was performed.

Repeals

SEC. 23. Sections 3, 4, and 5 of Chapter 1727 of the Statutes of 1951 are repealed.

CHAPTER 1803

An act to amend Sections 1300 and 1320 of, and to add Sections 1320.1 and 1320.2 to, the Business and Professions Code, relating to clinical laboratory technology.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1300 of the Business and Professions Code is amended to read:

Fees

1300. The amount of application and license fee under this chapter shall be as follows:

(a) The application fee for a clinical laboratory technologist's license is twenty-five dollars ($25).

(b) The annual renewal fee for a clinical laboratory technologist's license shall be fixed by the board at not more than fifteen dollars ($15) nor less than five dollars ($5).

(c) The application fee for a clinical laboratory technician's license is five dollars ($5).

(d) The annual renewal fee for a clinical laboratory technician's license shall be fixed by the board at not more than three dollars ($3) nor less than one dollar ($1).

(e) The application fee for a clinical laboratory permit is ten dollars ($10); provided, however, that when the applicant is a city, county, or city and county, or an official thereof, no fee shall be required.

(f) The annual renewal fee for a clinical laboratory permit shall be fixed by the board at nor more than fifteen dollars ($15) nor less than five dollars ($5); provided, however, that when the applicant is a city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a clinical laboratory technician trainee's registration certificate is one dollar ($1).

(h) The annual renewal fee for a clinical laboratory technician trainee's registration certificate is one dollar ($1).

(i) The application fee for a duplicate certificate is one dollar ($1).

SEC. 2. Section 1320 of said code is amended to read:

1320. Licenses or permits issued by the board may be revoked or suspended for each of the following reasons: Suspension or revocation

(a) Conduct involving moral turpitude or dishonest reporting of tests.

(b) Violation of any of the rules and regulations of the board applicable to this chapter.

(c) Permitting a registered clinical laboratory technician trainee to perform tests, procure specimens, or act for the director in the absence of a duly licensed clinical laboratory technician, technologist, or physician and surgeon.

(d) Violation of any provision of the Business and Professions Code governing the practice of medicine and surgery.

(e) Proof that the holder has made false statements in material regard on his application for licensure or laboratory permit or that he has used any degree or certificate as a means of qualifying for licensure which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree or certificate was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree or certificate is claimed.

(f) The use of any degree, certificate, or title in any manner, which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree, certificate, or title was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree, certificate, or title is claimed.

(g) Violation of any of the provisions of the premarital and prenatal laws, Article 2a, Chapter 1, Title 1, Part 3, Division 1 of the Civil Code and Part 2, Division 16 of the Health and Safety Code.

(h) The advertising of clinical laboratory procedures to the lay public in magazines, newspapers, directories, circulars, signs, etc.

(i) Knowingly accepting an assignment for clinical laboratory tests or specimens from and the rendering a report thereon to persons not licensed by law to submit such specimens or assignments.

(j) Rendering a report on clinical laboratory work actually performed in another clinical laboratory without designating the laboratory in which the test was performed.

(k) Conviction of a felony or of any crime involving moral turpitude under the laws of any state or of the United States arising out of or in connection with the practice of clinical laboratory technology. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

SEC. 3. Section 1320.1 is added to said code, to read:

Conviction

1320.1. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 4. Section 1320.2 is added to said code, to read:

Insanity, etc.

1320.2 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 1804

An act to add Section 4093 to, and to repeal Section 4093 of, the Business and Professions Code, relating to pharmacy.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 4093 of the Business and Professions Code is repealed.

SEC. 2. Section 4093 is added to said code to read:

4093. Every person holding a certificate or permit issued under the provisions of this chapter shall keep the original certificate or permit displayed in a transparent container upon the licensed premises and in a place where it may be clearly read by the purchasing public.

CHAPTER 1805

An act to amend and renumber Sections 4097, 4098, and 4099 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 4097 of the Business and Professions Code is amended and renumbered to read:

4122. A license fee of twenty-five dollars ($25) is hereby levied upon all itinerant vendors doing business in this State, which shall be paid to the board at the time of making application for such license. License fee

The annual fee shall be paid on or before the first day of January of each year to the Board of Pharmacy, for the use and benefit of the State of California, and shall constitute a special fund for the enforcement of this entire chapter.

For each license issued after the first day of January, the fees shall be reduced one-fourth for each three months' period which has elapsed since this date.

Any person who fails to pay the annual license fee by the second day of February following the date it has become payable shall be liable to a penalty of five dollars ($5).

SEC. 2. Section 4098 of said code is amended and renumbered to read:

Limitation

4123. Nothing in this article prevents the collection of any tax or license that may be imposed by any county or municipal authority.

SEC. 3. Section 4099 of said code is amended and renumbered to read:

Issuance

4124. Upon receipt of the license fee provided in Section 4122, and upon the filing of the application therefor, accompanied by satisfactory evidence of good moral character, the board may issue a license to the applicant, authorizing him to conduct the business of itinerant vendor within this State, until the first day of January of the year next ensuing. Conviction for any violation of the provisions of this chapter shall constitute grounds for the denial of the issuance of the license.

CHAPTER 1806

An act to amend Section 4160 of the Business and Professions Code, relating to pharmacy.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 4160 of the Business and Professions Code is amended to read:

Poisons

4160. "Poison" means and includes the compositions of the following schedules:

SCHEDULE "A"

(a) Arsenic compounds and preparations.

(b) Cyanides and preparations, including hydrocyanic acid.

(c) Fluorides soluble in water, and preparations.

(d) Mercury compounds and preparations, except preparations made and labeled for external use only and containing not more than five-tenths percent (0.5%) total mercury, and except ointments or soaps containing not more than two percent (2.0%) total mercury or not more than ten percent (10.0%) ammonium mercuric chloride or mercuric oxide.

(e) Phosphorus and preparations.

(f) Thallium compounds and preparations.

(g) Aconite, belladonna, cantharides, cocculus, conium, digitalis, gelsemium, hyoscyamus, nux vomica, santonica, stramonium, strophanthus, veratrum, or their contained or derived active compounds and preparations, except preparations made and labeled for external use only, and except preparations containing not more than four-thousandths percent (0.004%) total belladonna alkaloids or not more than two-hundredths percent (0.02%) total nux vomica alkaloids, and except prepa-

rations in dosage forms each containing not more than two-tenths milligram (0.20 mg.) total belladonna alkaloids or not more than one milligram (1.0 mg.) total nux vomica alkaloids.

(h) Zinc phosphide and preparations.

(i) Sodium fluoroacetate and preparations.

SCHEDULE "B"

(a) Antimony, barium, copper, lead, silver or zinc compounds soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(b) Bromine or iodine and preparations.

(c) Hypochlorous acid, free or combined, and preparations that yield ten percent (10.0%) or more of available chlorine, excepting chloride of lime or bleaching powder.

(d) Permanganates soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(e) Nitric acid and preparations containing five percent (5.0%) or more of the free acid.

(f) Hydrochloric, hydrobromic or sulfuric acids, and preparations containing ten percent (10.0%) or more of the free acids.

(g) Oxalic acid or oxalates, and preparations containing ten percent (10.0%) or more of these compounds.

(h) Acetic acid and preparations containing twenty percent (20.0%) or more of the free acid.

(i) Potassium or sodium hydroxides, and preparations containing ten percent (10.0%) or more of the free alkalies.

(j) Ammonia solutions or ammonium hydroxide, and preparations containing five percent (5.0%) or more of free ammonia.

(k) Chloroform or ether, and preparations containing five percent (5.0%) or more of these compounds, except preparations made and labeled for external use only.

(*l*) Methyl alcohol or formaldehyde, and preparations containing one percent (1.0%) or more of these compounds, except when used as a preservative and not sold to the general public.

(m) Phenol or carbolic acid, cresols or other phenol derivatives, soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(n) Nitroglycerine and nitrites.

(o) Nicotine and preparations containing nicotine expressed as alkaloid more than two percent (2.0%).

(p) Ergot, cottonroot, pennyroyal and larkspur, or their contained or derived active compounds or mixtures thereof.

SCHEDULE "C"

(a) Carbon tetrachloride.

(b) Camphorated oil.

(c) Boric acid.

CHAPTER 1807

An act to add Section 4221 5 to the Business and Professions Code, relating to drugs.

In effect September 11, 1957

[Approved by Governor July 6, 1957 Filed with Secretary of State July 9, 1957]

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

SECTION 1. Section 4221.5 is added to the Business and Professions Code, to read:

4221.5. All authorized officers of the law, while investigating violations of this article in performance of their official duties, and any person working under their immediate direction, supervision, or instruction are immune from prosecution under this article.

CHAPTER 1808

An act to amend Section 4213 of the Business and Professions Code, relating to dangerous drugs.

In effect September 11, 1957

[Approved by Governor July 6, 1957 Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 4213 of the Business and Professions Code is amended to read:

4213. "Administer," as used in this article, means the furnishing by a physician and surgeon, dentist, chiropodist, or veterinarian to his patient of such amount of drugs or medicines referred to in this article as are necessary for the immediate needs of the patient.

CHAPTER 1809

An act to add Section 4394 of the Business and Professions Code, relating to pharmacy.

In effect September 11, 1957

[Approved by Governor July 6, 1957 Filed with Secretary of State July 9, 1957]

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

SECTION 1. Section 4394 is added to the Business and Professions Code, to read:

4394. The board may bring an action to enjoin the violation of any provision of this chapter in any superior court in and for the county in which the violation has occurred. Any such action shall conform to the requirements of Chapter 3, commencing with Section 525, of Title 7 of Part 2 of the Code of Civil Procedure, except that the board shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. Said

action shall be brought in the name of the people of the State of California. Nothing in this section shall permit the bringing of any action with respect to any drug or product complying with the provisions of Sections 4052, 4055, 4057, 4058, or 4059 of this code, nor shall this section repeal, change, or affect any of these sections.

CHAPTER 1810

An act to amend Section 4416 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4416 of the Business and Professions Code is amended to read:

Schedule of fees

4416. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(b) The annual fee for renewal of the permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed twelve dollars ($12) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district shall be fixed by the board at an amount not to exceed five dollars ($5).

(d) The fee for any applicant for registration shall be fixed by the board at an amount not to exceed twenty-five dollars ($25).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, shall be fixed by the board at an amount not to exceed fifteen dollars ($15).

(f) The fee for the reissuance of a certificate shall be fixed by the board at an amount not to exceed fifteen dollars ($15).

(g) Except as otherwise provided in this subdivision, the annual renewal fee for a registered pharmacist may be fixed by the board at an amount not to exceed the sum of eight dollars ($8). If a registered pharmacist was issued a certificate during the 1955-56 Fiscal Year and did not pay the additional fee prescribed in subdivision (e), the annual renewal fee for such registered pharmacist may be fixed by the board during the 1956-57 Fiscal Year at any amount not to exceed the sum of twenty-three dollars ($23).

(h) The fee for a wholesaler shall be fixed by the board at an amount not to exceed fifty dollars ($50).

(i) The fee for a manufacturer shall be fixed by the board at an amount not to exceed fifty dollars ($50).

(j) The fee for a hypodermic license shall be fixed by the board at an amount not to exceed five dollars ($5).

(k) The annual fee for hypnotic license shall be fixed by the board at an amount not to exceed ten dollars ($10).

(*l*) The penalty for failure to pay any annual renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10).

CHAPTER 1811

An act to amend Section 6560 of the Business and Professions Code, relating to the practice of barbering.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 6560 of the Business and Professions Code is amended to read:

Examination requisites

6560. Any person upon payment of the required fee, shall be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is at least 18 years of age and of good moral character and temperate habits.

(b) He has a diploma showing graduation from an eighth grade grammar school, or its equivalent as determined by an examination conducted by the board.

(c) He has either:

(1) A valid license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this chapter.

(2) Affidavits from at least two persons stating that he has practiced as a barber in another state or country for a period of at least two years within the last five years immediately prior to filing his application in this State.

If he fails to pass the examination, he may file a new application accompanied by the required fee and take another examination. In no event will he be permitted to practice barbering until such time as he satisfactorily passes an examination and receives a certificate of registration as a registered barber.

CHAPTER 1812

An act to amend Sections 8761, 8763, and 8770 of the Business and Professions Code, relating to land surveyors.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 8761 of the Business and Professions Code is amended to read:

8761. Any licensed land surveyor or registered civil engineer may practice land surveying and prepare maps, plats, reports, descriptions or other documentary evidence in connection therewith. Maps, plats, etc.

Every map, plat, report, description, or other document issued by a licensed land surveyor or registered civil engineer shall comply with the provisions set forth in Section 8764 of this article, whenever such map, plat, report, description or other document is filed as a public record.

It is unlawful for any person to sign, stamp or seal any map, plat, report, description or other document unless he is authorized to practice land surveying.

SEC. 2. Section 8763 of said code is amended to read:

8763. The record of survey shall be a map, legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth, 18 by 26 inches, or 18 by 13 inches, as required by the county recorder. A one-inch blank margin shall be left at the left edge and a one-half inch margin shall be left at the other edges of the map. Record of survey

SEC. 3. Section 8770 of said code is amended to read:

8770. The record of survey filed with the county recorder of any county shall be securely fastened by him into a suitable book provided for that purpose. Filing by county recorder

He shall keep proper indexes of such record of survey by the name of grant, tract, subdivision or United States subdivision.

The original map shall be stored for safekeeping in a reproducible condition. It shall be proper procedure for the recorder to maintain for public reference a set of counter maps that are prints of the original maps, and the original maps to be produced for comparison upon demand.

CHAPTER 1813

An act to add Article 3.5 (commencing with Section 9547) to Chapter 18 of Division 3 of the Business and Professions Code, relating to the regulation of the dry cleaning industry.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Article 3.5 (commencing with Section 9547) is added to Chapter 18 of Division 3 of the Business and Professions Code, to read:

Article 3.5. Bonds

9547. If after investigation the board determines that the financial responsibility of an applicant or licensee is questionable, the board may, in the public interest, require such person to file with the board a surety bond in the sum of one thousand dollars ($1,000) executed by a surety company au- Surety bond

thorized to do business in this State, which bond shall be in such form and on such conditions as the board may by regulation require for the protection of persons with whom the licensee may deal as a licensee.

Action upon bond

9547.1. Any person injured by the breach of any condition to secure which the bond is given shall have a cause of action upon the bond in any court of competent jurisdiction to recover his damages not in excess of one hundred dollars ($100) suffered by reason of such breach. The aggregate liability of the surety to all such persons shall not, however, exceed the sum of the bond.

Automatic suspension

9547.2. The failure of a licensee to maintain in full force and effect the bond required by this article shall result in the automatic suspension of his license, which shall not be reinstated until a new bond has been filed.

Surety liability

9547.3. Bonds filed with the board pursuant to this article shall remain in full force and effect until the surety has terminated future liability by 30-day written notice to the board.

Alternative security

9547.4. In lieu of furnishing the bond required by Section 9547 of this code, licensees may deposit with the board a bearer bond or bearer bonds having a market value of one thousand dollars ($1,000) or more, and such deposit shall satisfy the requirements of Section 9547 of this code. A licensee making such deposit shall be permitted to receive annually any interest payable on such bonds.

Operative date

SEC. 2. Section 1 of this act shall become operative March 1, 1958

CHAPTER 1814

An act to add Section 14494.1 to the Education Code, relating to the Teachers' Retirement System; declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 14494.1 is added to the Education Code, to read:

14494.1. Whenever the board determines that payments to retired members of the system cannot be made until after the first day of the month following that month for which such payments are due, the board may present claims for advances on retirement allowances due a retired member of the system estimated on preliminary information in the possession of the board, and the State Controller shall draw warrants in payment of such claims. Any loss incurred in connection with an advance payment shall be a charge against the fund from which the payment was derived. Such advances to an individual may not be made in excess of the period of time prescribed by the Retirement Board.

If any such advances are more or less than the correct amount due to the member, or beneficiary of the member receiving the advances, the difference between such correct amount and the advance shall be adjusted in subsequent payments to such retired member or beneficiary, or the State Controller may state an account with the member or beneficiary, pursuant to Government Code Section 12419.

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:

Delays occur in the calculating of retired teachers' allowances on account of the fact that members of the State Teachers' Retirement System usually retire at the close of a school year, and the volume of requests for retirement received within a short period of time preclude the rapid complete calculation of the individual's allowance. As a result delays occur which work hardships on retired teachers who are without sufficient means to provide for the necessities of life pending the receipt of such retirement benefits. In order that teachers retiring at the end of the 1956-57 school year be adequately provided for, it is necessary that this act go into immediate effect.

CHAPTER 1815

An act to amend Section 9102 of the Government Code, relating to legislative offices.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

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

9102. The Senator having the management and control of the legislative office located in Los Angeles shall have the authority to employ one person in such office who shall hold a confidential position to him, and one other employee to be appointed by the Senate as provided for in subdivision (a) (4) of Section 4, Article XXIV of the California Constitution and to fix their compensation at the grade and in the manner hereinafter provided with respect to employees in other legislative offices. The Senator having the management and control of the legislative office located in San Diego shall have the authority to employ one person in such office who shall hold a confidential position to him, and one other employee to be appointed by the Senate as provided for in subdivision (a) (4) of Section 4, Article XXIV of the California Constitution and to fix their compensation at not less than the grade and in the manner hereinafter provided with respect

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

CHAPTER 1816

An act to amend Sections 1647.3, 1648, 1703.97 and 1703.98 of the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1647.3 of the Insurance Code is amended to read:

Copartnership membership change

1647.3. Should a change occur in the membership of a copartnership licensed under this article, the surviving or continuing copartnership may continue to transact insurance under the license issued to the predecessor copartnership until action is taken by the commissioner on the application herein prescribed if:

(a) The surviving or continuing copartnership immediately files an application on a form prescribed by the commissioner for registration of such change in membership, and pays the lawful fees therefor and, if licensed to transact as a broker, furnishes the bond required under Section 1644 of this code, and

(b) At least one person who exercised the agency or brokership powers of the predecessor copartnership continues to exercise the agency or brokership powers of the surviving or continuing copartnership, and

(c) Such application for registration be signed by a general partner.

SEC. 2. Section 1648 of the Insurance Code is amended to read:

Change of capacity, etc

1648. A natural person, copartnership, association, or corporation licensed under this article, may continue, until action is taken by the commissioner on the application herein prescribed to transact insurance under an existing license in either a different capacity or as a different organization or entity if no additional license examination qualification is required and if no substantial change in ownership and no change in control of the licensed insurance business has taken place; provided, that immediately following such change the person or the successor partnership, association or corporation files an application in the form prescribed by the commissioner for an appropriate license and pays the lawful fees therefor.

Nothing herein shall be construed to nullify any provision of Section 1679 except that any fee paid as required by subdivision (a) of Section 1679 for a license not issued, or one-half of any double fee paid as required by subdivision (b) of Section 1679 for a license not issued, may be applied toward the fee for filing an application under this section.

SEC. 3. Section 1703.97 of the Insurance Code is amended to read:

Copartnership membership change

1703.97. Should a change occur in the membership of a copartnership licensed pursuant to Section 1703.91 to Section 1703.96, inclusive, the surviving or continuing copartnership may continue to transact insurance until action is taken by the commissioner on the application herein described under the license issued to the predecessor copartnership if:

(a) The surviving or continuing copartnership immediately after such change files an application on a form prescribed by the commissioner for registration of such change in membership, and pays the lawful fees therefor, and,

(b) At least one natural person who was the joint holder of the firm license issued to the predecessor copartnership continues to conduct or assist in the conduct of the life insurance business of the continuing or surviving copartnership, and,

(c) Such application for registration be signed by a general partner.

SEC. 4. Section 1703.98 of the Insurance Code is amended to read:

Change of capacity, etc.

1703.98. A natural person, copartnership, association, or corporation licensed under this article, may continue to transact insurance until action is taken by the commissioner on the application herein prescribed under an existing license in either a different capacity or as a different organization or entity if no additional license examination qualification is required and if no substantial change in ownership and no change in control of the licensed insurance business has taken place; provided, that immediately following such change the person or the successor partnership, association or corporation files an application in the form prescribed by the commissioner for an appropriate license and pays the lawful fees therefor.

Nothing herein shall be construed to nullify any provision of Section 1709 except that any fee paid as required by subdivision (a) of Section 1709 for a license not issued, or one-half of any double fee paid as required by subdivision (b) of Section 1709 for a license not issued, may be applied toward the fee for filing an application under this section.

CHAPTER 1817

An act to add Section 36.3 to the Water Conservation Act of 1931 (Ch. 1020 of the Stats. of 1931), relating to use of bond funds by water conservation districts.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 36.3 is added to the Water Conservation Act of 1931, to read:

Sec. 36.3. If the board determines by resolution that (1) the expenditure of money raised by the sale of bonds for the purpose for which the bonds were voted is impracticable or unwise, or (2) that all of the purposes for which money raised by the sale of bonds have been fulfilled but that there is a surplus of such money remaining, the board may call a special election to obtain the consent of the voters to use the money for some other purpose for which the district may issue bonds.

The procedure shall be the same as when the bond proposition was originally submitted and the election may be consolidated with any other election, in which case one ballot may be used in the discretion of the board.

CHAPTER 1818

An act to add Section 725.5 to the Streets and Highways Code, relating to the care and protection of state highways.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 725.5 is added to the Streets and Highways Code, to read:

725.5. The provisions of Section 725 shall not apply to the flooding of State Highway Route 57 as a result of the construction, operation, or maintenance of the Vaquero Dam if consent to such flooding has first been obtained from the Department of Public Works. As a condition to granting such consent, the Department of Public Works shall require the city, city and county, county, public corporation, or public district to agree with the department to maintain the affected portion of the state highway during the period of flooding and to make such repairs and perform such work as is necessary to repair any resulting damage to the state highway and restore it to its original condition, or to agree to reimburse the department for the expense to the department of making such repairs, performing such work, or maintaining the affected portion of the state highway during the period of flooding.

CHAPTER 1819

An act to amend Sections 10581 and 10582 of the Health and Safety Code, relating to records of vital statistics.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 10581 of the Health and Safety Code is amended to read:

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 or county recorder upon request of any parents or guardian.

Certification of date of birth

SEC. 2. Section 10582 of said code is amended to read:

10582. The state or local registrar or county recorder may, without fee verify a date and place of birth, when the applicant can present sufficient information to identify the birth record.

Certification of date and place of birth

CHAPTER 1820

An act to amend Section 23954.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 23954.5 of the Business and Professions Code is amended to read:

23954.5. An applicant for an original on-sale general license on or after January 1, 1956, shall, at the time of filing the application for the license, accompany the application with a fee of six thousand dollars ($6,000). On or after the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session, and at the time of filing an application for a license, an applicant for an original on-sale general license for seasonal business shall accompany the application with a fee of two thousand dollars ($2,000), an applicant for an original on-sale beer and wine license shall accompany the application with a fee of one hundred fifty dollars ($150), an applicant for an original on-sale beer license shall accompany the application with a fee of one hundred dollars ($100), and an applicant for an original off-sale beer and wine license shall accompany the application with a fee of twenty-five dollars ($25). An applicant for an original off-sale general license on or after January 1, 1956, shall, at the time of filing the application for the license, accompany the application with a fee of three thousand dollars ($3,000).

"Original on-sale general license," "original on-sale general license for seasonal business," "original on-sale beer and wine license," "original on-sale beer license," "original off-sale general license," and "original off-sale beer and wine license," as used in this section, does not include a license issued upon renewal or transfer of a license.

All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

CHAPTER 1821

An act to amend Section 24070 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 24070 of the Business and Professions Code is amended to read:

24070. Each license is separate and distinct and is transferable from the licensee to another person upon the approval of the department as provided in this division and upon the payment of a transfer fee equal to 70 percent of the annual fee for the license, but not including additional fee for gross retail sales, except as provided in Section 24071. Section 23322 shall not apply to the transfer fee required by this section.

CHAPTER 1822

An act to amend Section 24048 of, and to add Sections 24048.1, 24048.2, 24048.3 and 24048.4 to, the Business and Professions Code, all relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 24048 of the Business and Professions Code is amended to read:

License renewal

24048. Every license, other than a temporary license, is renewable unless the license has been revoked if the renewal application is made and the fee therefor is paid in accordance with Sections 24048.1 to 24048.4.

SEC. 2. Section 24048.1 is added to the Business and Professions Code, to read:

Calendar year renewal

24048.1. All retailers' on-sale licenses issued on a calendar year basis shall be renewed as follows:

(a) On or before November 1st, the department shall mail to each such licensee at his licensed premises, or at such other mailing address as the licensee has designated, an application to renew the license.

(b) The application to renew the license may be filed on or before December 31st upon payment of the annual fee set forth in Section 23320.

(c) After December 31st, and on or before February 15th, such license may be renewed upon payment of the annual renewal fee set forth in Section 23320 plus a penalty fee which shall be equal to the annual fee or one hundred dollars ($100), whichever is the lesser.

(d) Unless otherwise terminated, a license which is in effect on December 31st continues in effect through the next February 15th. However, if on or before said February 15th the renewal application has not been filed and the fees provided for in either subdivision (b) or (c) hereof have not been paid, then the license is automatically revoked at 2 a.m. February 15th, and may only be reinstated as follows: (1) upon application filed during the six-month period beginning with such February 15th; (2) upon proof satisfactory to the department of good cause for the failure to so file and pay; and (3) in accordance with rules promulgated by the department. The fee for filing an application for such reinstatement shall, in addition to the annual fee, include the penalty fee provided in subdivision (c) hereof, no part of which shall be returnable to the applicant.

(e) On or before February 5th the department shall mail a notice of forfeiture to each licensee who has not theretofore either filed an application to renew his license or notified the department of his intent not to do so. Failure to mail the renewal application in accordance with subdivision (a) or to mail the notice provided in this subdivision shall not continue the right to a license.

(f) No renewal application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the required renewal fee has been paid at, any office of the department during office hours, or unless both such document and fee have been filed and remitted pursuant to Section 11003 of the Government Code.

SEC. 3. Section 24048.2 is added to the Business and Professions Code, to read:

24048.2. No retailer's on-sale license issued on a calendar year basis shall be issued or transferred between November 1st and December 31st, unless before such issuance or transfer an application to renew such license has been filed and the annual fee for such renewal paid. Limitation on transfer or issuance

SEC. 4. Section 24048.3 is added to the Business and Professions Code, to read:

24048.3. All licenses issued on a fiscal year basis shall be renewed as follows: Fiscal year renewal

(a) On or before May 1st, the department shall mail to each such licensee at his licensed premises, or at such other mailing address as the licensee has designated, an application to renew the license.

(b) The application to renew the license may be filed on or before June 30th upon payment of the annual fee set forth in Section 23320.

(c) After June 30th, and on or before August 15th, such license may be renewed upon payment of the annual renewal fee set forth in Section 23320 plus a penalty fee which shall be equal to the annual fee or one hundred dollars ($100), whichever is the lesser.

(d) Unless otherwise terminated, a license which is in effect on June 30th continues in effect through the next August 15th. However, if on or before said August 15th the renewal application has not been filed and the fees provided for in either subdivision (b) or (c) hereof have not been paid, then the license is automatically revoked at 2 a.m. August 15th, and may only be reinstated as follows: (1) upon application filed during the six-month period beginning with such August 15th; (2) upon proof satisfactory to the department of good cause for the failure to so file and pay; and (3) in accordance with rules promulgated by the department. The fee for filing an application for such reinstatement shall, in addition to the annual fee, include the penalty fee provided in subdivision (c) hereof, no part of which shall be returnable to the applicant.

(e) On or before August 5th the department shall mail a notice of forfeiture to each licensee who has not theretofore either filed an application to renew his license or notified the department of his intent not to do so. Failure to mail the renewal application in accordance with subdivision (a) or to mail the notice provided in this subdivision shall not continue the right to a license.

(f) No renewal application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the required renewal fee has been paid at, any office of the department during office hours, or unless both such document and fee have been filed and remitted pursuant to Section 11003 of the Government Code.

SEC. 5. Section 24048.4 is added to the Business and Professions Code, to read:

Limitation on transfer or issuance

24048.4. No license issued on a fiscal year basis shall be issued or transferred between May 1st and June 30th, unless before such issuance or transfer an application to renew such license has been filed and the annual fee for such renewal paid.

CHAPTER 1823

An act to add Section 6103.4 to the Government Code, relating to exemptions from fees or charges for official services.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 6103.4 is added to the Government Code, to read:

6103.4. Section 6103 does not apply to any fee or charge for official services required by Part 5 of Division 2 of the Water Code.

CHAPTER 1824

An act to amend Sections 183 and 193 of the Water Code, relating to the State Water Rights Board.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 193 of the Water Code is amended to read:

193. The board may hold any hearings and conduct any investigations in any part of the State necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the State by Article 2 (commencing at Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code. Public hearing

Any hearing or investigation by the board may be conducted by any member upon authorization of the board, and he shall have the powers granted to the board by this section, but any final action of the board shall be taken by a majority of the members of the board at a meeting duly called and held.

All hearings held by the board or by any member thereof shall be open and public.

SEC. 2. Section 183 of said code is amended to read:

183. The board may hold any hearings and conduct any investigations in any part of the State necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the State by Article 2 (commencing at Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code. Same

Any hearing or investigation by the board may be conducted by any member upon authorization of the board, and he shall have the powers granted to the board by this section, but any final action of the board shall be taken by a majority of the members of the board at a meeting duly called and held.

All hearings held by the board or by any member thereof shall be open and public.

Effect Stats. 1957, Ch 1932

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 1969 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as said act takes effect, at which time Section 1 of this act is repealed.

CHAPTER 1825

An act to amend Section 127 of the Labor Code, relating to fees charged by the Industrial Accident Commission.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 127 of the Labor Code is amended to read:

127. The commission may:

(a) Charge and collect the following fees: for copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents ($0.10) for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken on proceedings had, fifteen cents ($0.15) for each folio; for transcripts of testimony, forty cents ($0.40) for each folio for all copies.

(b) Publish and distribute from time to time, in addition to its reports to the Governor, further reports and pamphlets covering its operations, proceedings, and matters relative to its work.

(c) Prepare, publish, and distribute an office manual, for which a reasonable fee may be charged, and to which additions, deletions, amendments, and other changes from time to time may be adopted, published, and distributed, for which a reasonable fee may be charged for each such revision, or for which a reasonable fee may be fixed on an annual subscription basis.

(d) Fix and collect reasonable charges for publications issued under its authority.

Fees charged and collected under this section shall be paid monthly into the Treasury of the State and credited to the "General Fund."

CHAPTER 1826

An act to amend Section 12 and to repeal Section 30 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949), relating to the Sonoma County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957]

In effect immediately

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

SECTION 1. Section 12 of the Sonoma County Flood Control and Water Conservation District Act is amended to read:

Sec. 12. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of four cents ($0.04) 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 for the construction of new projects of the district or the maintenance, repair, or extension of any projects in the district or to accumulate reserves to expend for any of such purposes in subsequent fiscal years; or to pay the costs and expenses of surveys, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published; all costs and expenses of legal actions or proceedings; 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.

After the first bond election in the district at which bonds are authorized by the electors of the district (such election having taken place in 1955), the rate of such tax may be increased from four cents ($0.04) to not exceeding nine cents ($0.09) on each one hundred dollars ($100) of such assessed valuation and the revenue derived from the tax may be used, in addition to the purposes heretofore mentioned, to carry out any of the purposes of this act.

SEC. 2. Section 30 of said act is hereby repealed.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The taxes levied by the Sonoma County Flood Control and Water Conservation District are levied and collected along with the county taxes. The Board of Supervisors of Sonoma County must fix the county and district tax rates by September 1st of this year. This act provides for a new consolidated annual tax which may be levied by the district, the revenues from which will enable the district to perform work which is urgently needed in the district. In order for such tax to be levied and collected along with county taxes for the next fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 1827

An act to amend Sections 375.1, 375.4, 375.6, and 375.7 of the Agricultural Code, relating to poultry.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 375.1 of the Agricultural Code is amended to read:

375.1. As used in this article

Definitions

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. Fowl shall include chickens, turkeys, ducks, geese and other domesticated birds.

(b) "Poultry plant" means (a) any place where poultry is slaughtered, dressed or drawn, or (b) any place, other than a retail store or eating place, where poultry meat is cut up, recut, packed or repacked or otherwise prepared for human food.

(c) "Sanitary" means free from unnecessary dirt, filth, and contamination and free from any other substance or organism known to be injurious to human health.

(d) "Marked" means plainly, legibly and conspicuously labeled, stamped, tagged, stenciled or branded to show the name and address of the poultry plant where or the name and address of the distributor in California for whom the poultry meat was slaughtered, prepared, packed or repacked, cut up or recut or handled as set forth above.

(e) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

(f) "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl, with head, feet, and entrails intact.

(g) "Producer" means any person who is engaged in the business of growing (that is, feeding and caring for) poultry, some of which poultry is marketed as poultry meat, for a

period of three weeks or more for the purpose of increasing the size and weight of such poultry.

SEC. 2. Section 375.4 of said code is amended to read:

375.4. No poultry meat shall be packed, repacked, cut up, recut, offered for sale or sold unless each container or each carcass is marked, in accordance with the provisions of this article and the regulations adopted hereunder. Required markings

SEC. 3. Section 375.6 of said 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. Exceptions

(b) Poultry meat bearing the official mark of a city, county or state poultry plan 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 other than a retail store or public eating house, in California 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.

SEC. 4. Section 375.7 of said code is amended to read:

375.7. (a) Any person who violates any provisions of this article, or the regulations made under this article, or operates a poultry plant without a license, or who mislabels poultry meat is guilty of a misdemeanor. Penalty

(b) The director may bring an action to enjoin the violation or threatened violation of any provision of this article or the regulations thereunder in the superior court in and for the county in which the violation occurred or is about to occur Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(c) The director may, after hearing, refuse to issue a license or renewal of a license and may revoke or suspend any license

as the case may require for any violation of, or failure to comply with, the provisions of this article or the regulations adopted hereunder. Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing at Section 11500), Part 1, Division 3 of Title 2 of the Government Code and the director shall have all powers granted therein.

Severability clause

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1828

An act to amend Sections 74702 and 74703 of the Government Code, relating to the municipal court established in Santa Rosa Judicial District.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 74702 of the Government Code is amended to read:

Clerk

74702. There shall be one clerk who shall receive a salary of three hundred seventy-four dollars ($374) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred forty-nine dollars ($449).

SEC. 2. Section 74703 of said code is amended to read:

74703. The clerk may appoint:

Assistant clerk

(a) One assistant clerk who shall receive a minimum salary of three hundred twenty-six dollars ($326) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18), to a maximum of three hundred ninety-two dollars ($392) monthly.

Deputy clerks

(b) Three deputy clerks grade II, each of whom shall receive a minimum salary of two hundred ninety-seven dollars ($297) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred fifty-seven dollars ($357) monthly.

(c) Four deputy clerks grade I, each of whom shall receive a minimum salary of two hundred thirty-six dollars ($236) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12), and thirteen dollars ($13), to a maximum of two hundred eighty-four dollars ($284) monthly.

CHAPTER 1829

An act to add Section 4302.5 to the Government Code, relating to preference in public purchasing for American-made products.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 4302.5 is added to the Government Code, to read:

4302.5. The provisions of this article do not apply to the purchase of sewing machines, regardless of the place of their manufacture or the source of the materials from which such machines were manufactured.

CHAPTER 1830

An act to repeal Article 3 (commencing with Section 8721) of Chapter 3 of Part 3 of Division 2 of, and to amend Sections 8715, 8732, 9151 and 9351 of, and to add Sections 8612, and 8751.5 to, and to repeal Section 8731 of, the Revenue and Taxation Code, relating to the use fuel tax, to provide for the collection of the tax by vendors.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Article 3 (commencing with Section 8721) of Chapter 3 of Part 3 of Division 2 of the Revenue and Taxation Code is repealed. Repeal

SEC. 2. Section 8612 is added to said code, to read:

8612. "Fuel tank" means any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the vehicle, exclusive of a cargo tank even though fuel is withdrawn directly therefrom for the propulsion of the vehicle. "Fuel tank"

SEC. 3. Section 8715 of said code is amended to read:

8715. It is unlawful for any person to operate as a vendor of fuel in this State without a permit or after a permit has been suspended or revoked. Permit

SEC. 4. Section 8731 of said code is repealed. Repeal

SEC. 5. Section 8732 of said code is amended to read:

8732. A vendor of fuel the use of which is taxable under this part, who sells and delivers such fuel into a fuel tank shall, at the time of sale, collect the tax from the user and give to the user a receipt therefor in the manner and form prescribed by the board. Collection

SEC. 6. Section 8751.5 is added to said code, to read:

Credit

8751.5. If any user has paid the tax to a vendor who is the holder of a valid vendor's permit issued under this part, he shall be allowed a credit against the amount of tax due under Section 8751 with respect to that fuel on which the tax was paid to the vendor.

SEC. 7. Section 9151 of the said code is amended to read:

Overpayment

9151. If the board determines that any amount not required to be paid under this part has been paid by any person, either to the board or to a vendor who is the holder of a valid permit under this part, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid or from whom it was collected. If the State Board of Control approves, the excess amount paid or collected shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

Any overpayment of the tax by a user to a vendor who is required to collect the tax and who gives the user a receipt therefor pursuant to Section 8732, including any overpayment which may occur with respect to fuel purchased from a vendor and carried from this State in the fuel tank, to the extent that the amount of tax paid to the vendor with respect to such fuel exceeds the amount of tax due from the user on his use of fuel in this State, shall be credited or refunded by the State to the user as herein provided.

SEC. 8. Section 9351 of said code is amended to read:

Penalty

9351 Any person who places or causes to be placed fuel into any receptacle on a motor vehicle from which receptacle fuel is supplied for the propulsion of the vehicle is guilty of a misdemeanor unless such person is a vendor and collects the tax as provided under Section 8732 or such person is a user who holds a valid use fuel tax permit and uses the fuel placed in the receptacle.

Operative date

SEC. 9. The provisions of this act shall become operative on the first day of the month following the month in which this act becomes effective.

CHAPTER 1831

An act to amend Section 576 of, and to add Section 576.5 to, the Vehicle Code, relating to requirements that vehicles stop at railway grade crossings.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 576 of the Vehicle Code is amended to read:

576. Certain Vehicles Must Stop at All Railway Grade Crossings. (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any motor truck carrying explosive substance as a cargo or part of a cargo, or of any motor tank truck, tank trailer or tank semitrailer, used in the transportation of flammable liquids or liquefied petroleum gas as a cargo or part of a cargo, whether loaded or empty, before crossing at grade any track or tracks of a railway, interurban or suburban electric railway, shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of such track and while so stopped shall listen, and look in both directions along such track, for any approaching railway train, interurban car or other vehicle using such rails before traversing such crossing, except as hereinafter provided. Such vehicle shall remain standing while any train is moving toward the crossing and is close enough to constitute an immediate hazard. Stopping at railroad crossing

(b) No stop need be made at any such crossing where an officer is on duty and directs traffic to proceed nor where a stop and go signal is in operation and indicates that traffic may proceed.

(c) No stop need be made at street railway tracks within a business or residence district.

(d) Unless a train or locomotive is approaching, the driver of a motor vehicle need not stop as required in this section at any industrial or spur track as defined by the Public Utilities Commission unless the Public Utilities Commission determines that a stop should be made.

(e) Distinctive signs or devices of a type authorized by the Public Utilities Commission shall be erected at industrial or spur tracks where no stop need be made.

(f) Failure of the driver of a motor vehicle carrying any passenger for hire to stop as required in this section shall not be imputed to any bona fide passenger for hire in such vehicle.

(g) The violation of any of the provisions of this section is a misdemeanor.

SEC. 2. Section 576.5 is added to said code, to read:

576.5. Notwithstanding the provisions of Section 576, the driver of any motor vehicle need not stop at any branch line which crosses a road or street leading to or from a public ferry and on which there is less than daily train service and with characteristics and freight service similar to industrial track operations, where with the approval of the Public Utilities Commission, distinctive signs are displayed indicating that no stop need be made, unless a train or locomotive is approaching upon such branch line. Exception

CHAPTER 1832

An act to add Section 1573 to the Education Code, relating to the boundaries of school districts.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1573 is added to the Education Code, to read:

1573. Whenever the boundary line of any school district is described as being "to" or "from" the ocean shore, such description means to or from a point three miles seaward from the shore.

Whenever the boundary line of any school district is described as being "along," "with," "by," or "on" the ocean shore, such description means on a line parallel with and three miles seaward from the shore.

Limitation

Nothing contained in this section shall retroactively alter, enlarge, diminish or otherwise affect the powers, jurisdiction, rights, duties, responsibilities, obligations or liabilities of any such school district.

CHAPTER 1833

An act to add Section 1192.2 to, and to amend Section 1190.1 of the Code of Civil Procedure, relating to mechanics' liens.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1190.1 of the Code of Civil Procedure is amended to read:

Procedure re mechanics' lien

1190.1. (a) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, give to the owner, a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to

give such notice shall thereby deprive himself of the right to claim a lien under this chapter.

(b) Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner, personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the State, or with any public board, commission, or officer thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, or with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. In the case of any contract of the State by or through the Department of Public Works, such notice must be filed with the Director of Public Works, and not with the State Controller. In the case of any contract of the State by or through any other state department, board, commission, or officer, such notice must be filed within said time with the head of such state department, board, commission, or officer and not with the State Controller. No such notice shall be invalid by reason of any defect in form; provided, it is sufficient to inform the owner of the substantial matters herein provided for.

(c) Upon such notice being given it shall be the duty of the person to whom such notice is given to, and he shall withhold from his contractor or from any person acting under his authority and to whom said labor or materials, or both have been furnished, or agreed to be furnished, sufficient money or sufficient bonds, where bonds are to be issued in lieu of money by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, and, if the owner is a public body whose property, by reason of public policy or otherwise, is not subject to the liens in this chapter provided for, also the reasonable cost of any litigation thereunder.

Provided, however, that if in connection with any private work of improvement, any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such last mentioned section and has been filed in the office of the county recorder, as in said section, provided, then in said event, it shall not be the duty of the person to whom such notice is given to withhold any moneys pursuant to such notice but such moneys may be withheld by such person to whom such notice is given.

If the contractor asserts that the claim upon which any such notice is based, or out of which it arises, is either: (1) not included within the types or classifications of claims referred to in this section, or (2) that the claimant is not one of the persons mentioned in Sections 1181 and 1184.1, or (3) that the

amount of the claim as specified in such notice is excessive, or (4) that there is no basis in law for the claim as referred to and set out in such notice, then, on any such ground, or any combination thereof, such contractor may avail himself of the right to prepare and deliver to the department head, board, commission, or officer thereof, to whom such notice was given, an affidavit and a copy thereof alleging any one or more of the grounds hereinabove set out, and claiming that the moneys or bonds withheld by such officer, or any part of either such moneys or bonds, are being withheld improperly or in an excessive amount, and further demanding the release of all or such portion of such moneys or bonds as is alleged to be withheld improperly or in an excessive amount Such affidavit shall state all of the facts necessary to support the claim of the contractor, and shall also state his address within this State for the purpose of permitting service by mail upon him of any counteraffidavit, notice of motion, or other notice or legal document.

The department head, board, commission, or officer thereof, shall serve upon the claimant, either personally or by mail, a copy of the affidavit, together with a written notice stating that the affidavit and demand for release has been received and that such department head, board, commission, or officer thereof will release such moneys or bonds, or such portion of either as has been demanded, unless the claimant files with such department head, board, commission, or officer thereof, a counteraffidavit on or before a time designated in the notice, which shall be not less than 10 nor more than 20 days after service of the copy of such affidavit. Service by mail shall be complete by placing the notice and copy of the affidavit in a sealed envelope addressed to the last known address of the claimant, registered with return receipt requested, and depositing it in the United States mail with postage fully prepaid Proof of service, either personally or by mail, shall be made by an affidavit.

If the claimant desires to contest the contractor's affidavit and demand for release, he shall, within the time allowed, file with the department head, board, commission, or officer thereof, a counteraffidavit alleging the details of his claim and shall also set forth in detail the specific basis upon which he contests or rebuts the claim or claims of the contractor, together with proof of service of a copy of such counteraffidavit upon the contractor.

The department head, board, commission, or officer thereof, shall not be responsible for the validity of said affidavit or counteraffidavit.

If no such counteraffidavit with proof of service is filed with the department head, board, commission, or officer thereof, within the time allowed, then such department head, commission, or officer thereof, shall forthwith release the moneys or bonds, or such portion thereof as has been demanded by such

affidavit, without further notice to the claimant and shall not be liable in any manner for making such release.

If such counteraffidavit, together with proof of service, is so filed, either the contractor or the claimant may file an action in the appropriate superior court for a declaration of his rights in and to such moneys or bonds as have been withheld under the original notice, together with such other relief as may be appropriate. After the filing of a suit requesting such a declaration of rights, either the contractor or the claimant shall be entitled to a hearing in the court in which the action is pending for the purpose of determining his rights under the affidavit and demand for release of such moneys or bonds or any portion of either of them and the counteraffidavit. Such hearing must be granted by the court upon motion of either party, and such hearing must be had within 15 days from the date of 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 department head, board, commission, or officer thereof, and to the other party, and shall specify in the notice that the hearing is for the purpose of determining the sufficiency of and the issues involved in the demand for release of such moneys or bonds. The notice may be of the motion or of the hearing, and upon the filing of the notice with the clerk of the court, the motion is deemed made.

At such hearing, the contractor who has filed the affidavit and made the demand for the release of such moneys or bonds shall have the burden of proof. The affidavit and counter-affidavits shall be filed with the court by the department head, board, commission, or officer thereof, who received them, and they shall constitute the pleadings, subject to the power of the court to permit an amendment in the interest of justice. The affidavit of the contractor shall be deemed controverted by the counteraffidavit, and both shall be received in evidence.

Nothing herein contained shall be construed to deprive any party of the right of a jury trial in any case where such right is given by the Constitution, but a jury trial may 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, if the court is satisfied that sufficient facts are shown thereby, it 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 make and enter its order determining whether the demand for release of such moneys or bonds shall be allowed or not, which order shall be determinative as to the right of the claimant to have the moneys or bonds further withheld by the department head, board, commission, or officer thereof. No determination in the summary proceedings under this section

shall be res adjudicata with respect to any right of action by the claimant against either principal or surety on or under the statutory labor and material bond given under Sections 4200 to 4208, inclusive, of the Government Code, commonly referred to as the California Public Works Bond Act, or with respect to any right of action against any party personally liable to claimant. The contractor shall, either personally or by mail, serve a copy of said order on the appropriate department head, board, commission, or officer thereof.

(d) In the event the moneys so withheld or required to be withheld shall be insufficient to pay in full the valid demands of all persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands. Such pro-rata distribution of said moneys shall be made among the persons entitled to share therein, without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced.

(e) Any person who shall wilfully give a false notice of his claim to the owner or who shall wilfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate in the pro-rata distribution of such moneys and all right to any lien under this chapter.

(f) Nothing in this article contained shall be construed to impair in any manner the right of any person by whom such notice has been given to recover from the contractor or his sureties any deficit that may remain unpaid after such pro-rata distribution in an action upon the bond provided for by Section 4200 of the Government Code.

(g) The word "owner" as used in this action, includes the State, or any public board, commission, or officer, thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said State, public board, commission, or officer thereof, or any political subdivision thereof.

(h) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, may, in any instance in which the funds with which the cost of the work of improvements are, wholly or in part, to be defrayed from the proceeds of a building loan, give to the mortgagee, beneficiary under deed of trust, or assignee or successor in interest of either, or to any escrow holder or other party holding any funds furnished or to be furnished by the owner or lender or any other person as a fund from which to pay construction costs or arising out of a construction or building loan, a notice similar to the one provided for in subdivision (a) of this section, whereupon the person so given such notice under this subsection may withhold funds to answer such claims and any lien that may be filed therefor, but shall be

under no obligation to do so unless a bond is furnished as hereinafter provided.

If such person entitled to file such claim under this subsection files with the person holding such funds as a fund from which to pay such construction costs, a bond with good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, undertaking that if the defendant recovers judgment in an action brought on said verified claim or on the lien filed by the claimant, the lien claimant will pay all costs that may be awarded against the owner, contractor, or person holding such funds, or any of them, and all damages that such owner, contractor, or person holding such funds may sustain by reason of the equitable garnishment effected by the claim or by reason of the lien, not exceeding the sum specified in the undertaking, then the person holding such funds must withhold from the borrower or other person to whom said owner may be obligated to make payments or advancements out of said fund sufficient money to answer such claim, and any lien that may be filed therefor. No assignment by the owner or contractor of construction loan funds, whether made before a verified claim is filed, or after such claim is filed shall be held to take priority over claims filed under this subsection (h) and such assignment shall have no binding force insofar as the rights of claimants who file claims hereunder are concerned.

(i) If the contractor, subcontractor, or any other person against whom any claim is filed under subsection (h) above, or if the owner, mortgagee, beneficiary under deed of trust, escrow holder or any other person, disputes the correctness or validity of any claim so filed on private construction work, the contractor, subcontractor, owner or any such other person disputing such claim, may file with the custodian of such fund a bond executed by good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, which bond shall guarantee the payment of any sum not exceeding the penal obligation of the bond, which the claimant may recover on the claim, together with his costs of suit in the action, if he recovers therein. Upon the filing of such last mentioned bond the funds withheld to respond to the verified claim shall forthwith be released.

(j) Subsections (h) and (i) above shall not apply to public work; nor shall either of such sections be applicable if in connection with a private work of improvement any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such Section 1185.1, and has been filed in the office of the county recorder at any time prior to the filing of the first verified claim or notice to withhold.

(k) To be effective any verified claim or notice to withhold filed under subsection (h) served upon a banking corporation or association, building and loan association, title insurance company, escrow holder or other person holding such construc-

tion funds, and maintaining branch offices must be given to or served upon the manager or other responsible officer or person at the office or branch thereof administering or holding such construction funds.

(*l*) Any verified claim or notice to withhold may be served by registered mail with the same effect as by personal service.

(m) If the person holding the funds objects to the sufficiency of the sureties on the bond referred to in subsection (h) above, he must give notice in writing to the claimant within 20 days after the service of the notice provided for in subsection (h) that he so objects, in which event the claimant may within 10 days after the receipt of such written objection substitute for the bond so objected to a similar bond in like amount executed by a corporate surety licensed to write such bonds in the State of California, and if the claimant fails to do so the party served with such verified claim or notice to withhold may disregard the same and release all funds withheld in response thereto.

SEC. 2. Section 1192.2 is added to said code, to read:

Verified statement

1192.2. Any verified statement of claim filed pursuant to Section 1192.1 shall be governed by the provisions of subsection (c) of Section 1190.1 of this code.

CHAPTER 1834

An act to amend Section 1300.19 of the Agricultural Code, relating to the administration and enforcement of marketing orders and marketing agreements.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1300.19 of the Agricultural Code is amended to read:

Administration and enforcement

1300.19. The Director of Agriculture shall be responsible for the administration and enforcement of this chapter.

The following penalties, remedies, procedures and actions shall apply in instances of violations and complaints of violations of the provisions of this chapter or of any marketing order or the rules and regulations issued by the director under the authority of this chapter or any marketing order issued and effective thereunder:

Violation

(a) Every person who violates any provision of this chapter or any provision of any marketing order duly issued by the director hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50), nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than six months, or by both such fine and imprisonment.

Each violation during any day shall constitute a separate offense.

Civil penalty

(b) Any person who violates any provision of this chapter or any marketing order duly issued by the director and in effect hereunder, or who violates any rule or regulation issued by the director pursuant to the provisions of this chapter or of any marketing order duly issued by the director and effective hereunder, shall be liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation thereof.

In addition to such civil penalty, any person knowingly exceeding any quota or allotment or marketable percentage fixed for him under any marketing order, or rule or regulation issued by the director thereunder, shall forfeit to the State of California a sum equal to the current market value of such excess (or three times such amount, in the discretion of the court) which forfeiture may be recoverable in a civil suit brought in the name of the State of California Any moneys recovered pursuant to this subdivision shall be deposited in accordance with subdivision (f) of Section 1300.17.

Institution of proceedings

(c) The director on his own motion may or upon complaint of any interested party charging violation of any provision of this chapter or of any provision of any marketing order or any rule or regulation issued by the director and effective hereunder, shall either refer the matter directly to the Attorney General of this State or any district attorney of this State for the institution of legal proceedings thereupon, or, if the director deems it necessary or advisable, he shall immediately call an administrative hearing to consider the charges set forth in such verified complaint. In case the matter is referred directly by the director to the Attorney General or any district attorney, it shall be the duty of such officer, if, after examination of the complaint and evidence he believes that a violation has occurred, to thereupon bring an appropriate action or actions in a court or courts of competent jurisdiction in this State.

Administrative hearing

(d) In case an administrative hearing is called by the director, the director shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally by mail upon the person or persons named as respondent or respondents in such verified complaint. Such service shall be made at least 10 days before said hearing, which shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, or in the nearest office of the State Department of Agriculture, at the discretion of the director. At the time and place designated for such administrative hearing, the director or his agents shall hear the parties to said complaint and shall enter in the office of the director at Sacramento, his findings based upon the facts established at such hearing. If from the testimony and evidence adduced at said

administrative hearing the director finds that no violation has occurred he shall forthwith dismiss such complaint and notify the parties to such complaint.

Findings

(e) If the director finds from said administrative hearing that a violation has occurred he shall so enter his findings and notify the parties to such complaint. In his discretion the director shall either refer the matter to the Attorney General for the institution of legal proceedings or he may notify such parties to cease and desist from further violation. Upon their refusal or failure to comply, or if he finds that the facts or circumstances warrant immediate prosecution, the director shall file a complaint with the Attorney General or any district attorney of this State requesting that such officer commence any or all actions authorized in this section against such respondent or respondents in a court of competent jurisdiction as set forth hereinafter.

Prosecuting officers

(f) The Attorney General of this State, or any district attorney of this State, shall upon complaint by the director or any other person, or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action for criminal penalties in the name of the people of this State in any court of competent jurisdiction in the State of California against any person violating any provisions of this chapter or of any marketing order duly issued by the director and effective hereunder.

Civil penalties or injunctive action

(g) The Attorney General of this State shall upon complaint by the director or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action in the name of the people of this State in the Superior Court of the State of California for civil penalties or for injunctive relief, including specific performance of any obligation imposed by a marketing order, or any rule or regulation issued hereunder, or both, against any person violating any provisions of this chapter or of any marketing order or any rule or regulation duly issued by the director hereunder.

Injunction

(h) If it appears to the court upon any application for a temporary restraining order, or upon the hearing of any order to show cause why a preliminary injunction should not be issued, or upon the hearing of any motion for a preliminary injunction, or if the court shall find, in any such action, that any defendant therein is violating, or has violated any provision of this chapter, or of any marketing order, or any rule or regulation duly issued by the director hereunder, then the court shall enjoin the defendant from committing further violations, and may compel specific performance of any obligation imposed by a marketing order, or any rule or regulation issued by the director hereunder.

Costs

(i) In any suit brought by the Attorney General to enforce any of the provisions of this chapter or of any marketing order issued by the director and effective hereunder or of any rule or regulation issued by the director pursuant to the provisions

of any marketing order, the judgment, if in favor of the State, shall provide that the defendant pay to the director the costs incurred by the director and by the advisory board concerned with the administration of such marketing order in the prosecution of such action. Any moneys recovered shall be deposited in accordance with subdivision (f) of Section 1300.17.

Venue

(j) Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complained of occurred.

Unlawful use of emblems, labels, etc

(k) Whenever the use by a producer or handler of a particular emblem, label, certificate or other distinctive designation of grade, quality or condition other than grade or other quality designations then in effect pursuant to state or federal grade standards is made contingent upon compliance with certain production or handling regulations authorized by the provisions of a marketing order or agreement issued and made effective hereunder, it shall be unlawful and a violation of this chapter for any person, who is not participating in and complying with such order, agreement or regulations to use such designation of grade, quality or condition.

(*l*) It shall be a misdemeanor for:

Misdemeanors

(1) Any person to wilfully render or furnish a false or fraudulent report, statement or record required by the director pursuant to the provisions of this chapter, or any marketing order effective thereunder;

(2) Any person engaged in the handling or processing of an agricultural commodity or in the wholesale or retail trade thereof to fail or refuse to furnish to the director or his duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received an agricultural commodity regulated by a marketing order issued and in effect hereunder, and the quantity of such commodity so received.

Penalties and remedies

(m) The penalties and remedies prescribed in this section with respect to any violation mentioned in this section shall be concurrent and alternative and neither singly nor combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal or administrative rights, remedies, forfeitures or penalties provided or allowed by law with respect to any such violation.

Inspection

(n) Any authorized inspector or other authorized person discharging his duties in the checking of compliance with the provisions of any marketing order made effective pursuant to this chapter may enter and inspect any premises, enclosure, building or conveyance where he has reason to believe any agricultural commodity subject to a marketing order is produced, stored, being prepared for market or marketed, and inspect or cause to be inspected such representative samples of the commodity as may be necessary to determine whether or not any lot of said commodity is in compliance with applicable regulations of any marketing order made effective pursuant to the provisions of this chapter.

Impounding

(o) Any authorized inspector or other authorized person in the discharge of his duties, if he has reason to believe that a lot of any agricultural commodity subject to a marketing order or marketing agreement issued hereunder is not in compliance with the requirements of such marketing order or agreement, or of marketing rules and regulations issued pursuant thereto, as to quality, condition, size, maturity, pack, labeling or markings, may hold such lot for a reasonable period of time sufficient to enable such officer to ascertain by an authorized inspection whether such lot complies with such marketing requirements but in any event not to exceed 24 hours in the case of perishables or 72 hours in the case of nonperishables, except as hereinafter provided.

Warning tags and notices

Following inspection, such inspector or other authorized person may affix to any lot which is determined to be in noncompliance, an official notice, warning tag or other appropriate marking warning that the lot is held and stating the reasons therefor. It is unlawful for any person, other than an authorized inspector or enforcing officer, to detach, alter, deface or destroy any such official notice, warning tag or marking so affixed to any such lot or to remove or dispose of such lot in any manner or under conditions other than as prescribed in such notice of noncompliance except upon written permission of an authorized enforcing officer or by order of a court of competent jurisdiction.

Notice of noncompliance

The director, or the authorized person by whom such lot is being held, shall serve the person in possession of said lot with a notice of noncompliance. Such notice shall be served in person or by mail to the last known address of such person in possession. It shall be the duty of such person in possession to notify the owner of said lot or other persons having an interest therein, of the serving of such notice of noncompliance.

Such notice of noncompliance shall include a description of the lot, the place where and the reasons for which it is held and shall cite the applicable marketing order or agreement or marketing rules and regulations and the section or sections thereof upon which said notice of noncompliance is based.

Redemption period

The owner of said lot shall have, in the case of a perishable commodity not to exceed 48 hours, and in the case of a nonperishable commodity not to exceed 72 hours from the time of serving such notice of noncompliance for reconditioning or for the correction of the deficiencies noted in said notice of noncompliance. If such lot is reconditioned or the deficiencies corrected the enforcing officer shall remove said warning tags or markings and release said lot for marketing; or with the consent of the owner of such lot the enforcing officer is hereby authorized to divert said lot to other lawful uses or to destroy such lot.

(p) If the owner of such lot fails or refuses to give such consent, or if the lot has not been reconditioned or the deficiencies otherwise corrected so as to bring said lot into compliance within the time specified in the notice, then the

enforcing officer shall proceed as provided hereinafter. The enforcing officer may file a verified petition in any superior or inferior court of this State requesting permission to divert such lot to any other available lawful use or to destroy such lot. Such verified petition shall show the condition of the lot; that the lot is situated within the territorial jurisdiction of the court in which said petition is being filed; that the lot is held, and that the notice of noncompliance has been served as hereinbefore provided; that the lot has not been reconditioned as required; the name and address of the owner and the person in possession of said lot and that the owner has refused permission to divert or to destroy said lot. Upon the filing of such verified petition the court may issue an order to show cause returnable in five (5) days after service upon the owner why the lot shall not be reconditioned or the deficiencies corrected or why the lot shall not be diverted to other lawful uses or destroyed. The owner of said lot may, prior to the date when said order to show cause is returnable, either recondition or correct the deficiencies in said lot so as to bring said lot into compliance or may file at or before the hearing on said order an answer with the court showing why said lot shall not be reconditioned or the deficiencies corrected so as to bring it into compliance or showing why said lot should not be diverted to other lawful uses or destroyed.

Petition for disposal

Order to show cause

Right of owner

If at the expiration of the said period the owner of said lot has failed or refused to recondition or to correct the deficiencies so as to bring said lot into compliance the court may enter judgment ordering that said lot be reconditioned or diverted to any other lawful uses or destroyed in the manner directed by the court or relabeled, or denatured or otherwise processed, or sold or released upon such conditions as the court in its discretion may impose, except that said lot may not be sold or released into the regular channels of trade.

Judgment

In the event of sale of any lot by order of court, the costs of storage, handling and reconditioning or disposal shall be deducted from the proceeds of sale and the balance, if any, paid into court for the account of the owner of any such lot.

Cost of storage, etc

(q) Disposal of any lot or portion of any lot pursuant to the provisions of this section whether such disposal be by arrangement with an enforcement officer or by court order shall not waive any of the penalty provisions of this chapter.

Effect of disposal

CHAPTER 1835

An act to amend Section 25101 of, and to add Section 26202.1 to, the Government Code, relating to the preservation and destruction of records, papers and documents.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 25101 of the Government Code is amended to read:

Duty of county clerk

25101. The clerk of the board shall:

(a) Attend each session of the board of supervisors of his county and attend committee meetings when requested so to do.

(b) Keep and enter in the minute book of the board a full and complete record of the proceedings of the board at all regular and special meetings, including the entry in full of all resolutions and of all decisions on questions concerning the allowance of accounts. The vote of each member on every question shall be recorded.

(c) Immediately after each meeting of the board, deliver to and leave with the auditor all demands allowed for the payment of money.

(d) File and preserve, or dispose of pursuant to law, all petitions, applications, and other papers and records deposited with him.

(e) Authenticate with his signature and the seal of the board and file each ordinance passed by the board.

SEC. 2. Section 26202.1 is added to the Government Code, to read:

Destruction, etc., of unaccepted bid or proposal

26202.1. The board may authorize the destruction or disposition of any unaccepted bid or proposal for the construction or installation of any building, structure, bridge, or highway or other public works which is more than five years old.

CHAPTER 1836

An act amending Sections 537.5 and 559 of the Code of Civil Procedure, relating to attachment.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 537.5 of the Code of Civil Procedure is amended to read:

Public fact of filing

537.5. In cases of attachment the clerk of the court with whom the complaint is filed shall not make public the fact of the filing of the complaint, or of the issuance of the attachment, until after the filing of the return of service of the writ of attachment, except that if the return of service of the writ of attachment is not made within one year after the filing of the complaint in the action in which the writ is issued, the clerk of the court with whom the complaint is filed shall make available to the public the records and documents in such action.

SEC. 2. Section 559 of the Code of Civil Procedure is amended to read:

Return of writ

559. The sheriff, constable, or marshal must return the writ of attachment with the summons, if issued at the same time, and may return it separately from the summons if issued at a later time. The writ of attachment must be returned forthwith

after levy and service in accordance with the instructions given to the officer at the time such writ or writ and summons are delivered to him, but in no event later than 30 days after its receipt, with a certificate of his proceedings endorsed thereon or attached thereto, together with the undertaking given under the provisions of Section 540 of this code to prevent or release the levy of the attachment, to the clerk of the court from which said writ of attachment was issued, except that if cash has been deposited with such levying officer in lieu of an undertaking as permitted by Section 540 of this code, such cash shall be retained in such levying officer's trust fund, and whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be recorded in the offices of the county recorders in which the notices of attachment have been recorded, and be indexed in like manner.

CHAPTER 1837

An act to amend Section 139 of the Civil Code, relating to divorce and separate maintenance.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 139 of the Civil Code is amended to read:

Support and maintenance allowance

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, specifying in such judgment or decree the name, age and amount of support for each child, and said decree or judgment may be enforced by the court by execution or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

CHAPTER 1838

An act to amend Section 12053 of the Penal Code, relating to licenses to carry concealed weapons.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 12053 of the Penal Code is amended to read:

12053. When any such license is issued a record thereof shall be maintained in the office of the licensing authority which shall be open to public inspection. Copies of each license issued shall be filed immediately by the issuing officer or authority with the State Bureau of Criminal Identification and Investigation.

CHAPTER 1839

An act to add Section 460 to the Health and Safety Code, relating to X-ray photographs and case records.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 460 is added to the Health and Safety Code, to read:

460. The board of supervisors may authorize the destruction or the disposition to a public or private medical library of any X-ray photographs and case records which are more than five years old and which were taken by the county health officer in the performance of his duties with regard to infectious and communicable diseases if the county health officer has determined that such X-ray photographs do not show the existence of an infectious or communicable disease.

CHAPTER 1840

An act to amend Section 35313 of the Government Code, relating to the annexation of territory by cities.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 35313 of the Government Code is amended to read:

Annexation protests

35313. At the time set for hearing protests, or to which the hearing may have been continued, the legislative body shall

hear and pass upon all protests so made. If protest is made by the owners of one-half of the value of the territory as shown by the last equalized assessment roll, further proceedings shall not be taken. The value to be given publicly owned property for protest purposes shall be determined by the legislative body. If publicly owned property and privately owned property are proposed to be annexed in the same proceeding, further proceedings shall not be taken if protest is made either by private owners of one-half of the value of the privately owned territory proposed to be annexed, or by public owners of one-half of the publicly owned territory proposed to be annexed. As used in this article, "value of the territory" means the value of the land and improvements thereon.

CHAPTER 1841

An act to add Section 668.1 to the Elections Code, relating to elections and matters incidental thereto.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 668.1 is added to the Elections Code, to read:

668.1. In all counties, at the time of the first publication of the list of the names of the election officers appointed, the county clerk or the registrar of voters, as the case may be, shall mail or deliver to the county central committee in said county of all political parties, with which there is a state-wide affiliation of 1,000,000 or more registered voters, a copy of the list of election officials and he may notify the same committee of any substitute appointments that are made until the time the notice of final order of appointment, as provided in Section 677, is sent to the precinct inspector.

CHAPTER 1842

An act to amend Section 7306 of the Business and Professions Code, relating to the regulation and protection of private business and licensed professions and callings, and more particularly cosmetology.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7306 of the Business and Professions Code is amended to read:

7306. The board shall hold meetings for the examination of applicants for registration and license under this chapter at

least four times a year, one of which may be held in each of the following cities: San Francisco, Sacramento, Los Angeles and San Diego.

With the approval of the director, the board may hold other meetings for the examination of applicants for registration and license or for the transaction of such business as may be necessary.

CHAPTER 1843

An act to amend Section 20867 of the Government Code, relating to the retirement of public officers and employees.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 20867 of the Government Code is amended to read:

20867. If a person has been employed by the State or one or more contracting agencies in any relative order and regardless of whether the employment was before or after the effective date of the contract, and if he has not been paid his accumualted contributions, or having been paid such contributions, he redeposits them, he shall receive credit for all state service and such employers shall be liable for all state service rendered in their respective employments and such service shall be included in the calculation of the liability of the respective employers under said contracts.

Any member who re-entered this system prior to October 1, 1957, and who did not have a right to redeposit withdrawn contributions because of provisions of this section existing prior to said date may redeposit such contributions in accordance with Section 20654.

CHAPTER 1844

An act to add Article 8 (commencing at Section 35470), to Chapter 1, Part 2, Division 2 of Title 4 of the Government Code, relating to the annexation of territory by cities.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Article 8 is added to Chapter 1, Part 2, Division 2 of Title 4 of the Government Code, to read:

Article 8. Annexation of Territory Owned by the Federal Government

35470. Contiguous territory, in the same county, not a part of any other city, owned by the Federal Government or an agency thereof may be annexed to a city pursuant to this article.

35471. If the Federal Government or agency thereof owning such territory consents to the annexation, the city legislative body may initiate proceedings for annexation in the manner provided by Section 35203. The annexation proceedings shall be conducted in the manner prescribed in Sections 35203 to 35210, inclusive, and all of the provisions of such sections and of Section 35212 and 35213 shall apply to such proceeding and annexation.

CHAPTER 1845

An act to add Sections 1521.6, 2163.3, 3047.22, and 3447.2 to the Welfare and Institutions Code, relating to gifts to applicants for or recipients of public assistance.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2163.3 is added to the Welfare and Institutions Code, to read:

2163.3. For the purposes of this chapter gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 2163 of this code. In the event that the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 2163, the excess shall be considered income to the applicant or recipient. Gifts of money

This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future.

SEC. 2. Section 3047.22 is added to said code, to read:

3047.22. For the purposes of this chapter gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 3047.2 of this code. In the event that the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 3047.2, the excess shall be considered income to the applicant or recipient. Same

This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future.

SEC. 3. Section 3447.2 is added to said code, to read:

Same

3447.2. For the purposes of this chapter gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 3447 of this code. In the event that the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 3447, the excess shall be considered income to the applicant or recipient.

This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future.

SEC. 4. Section 1521.6 is added to said code, to read:

Same

1521.6. For the purposes of this chapter gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 1521 of this code. In the event that the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 1521, the excess shall be considered income to the applicant or recipient.

This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future.

CHAPTER 1846

An act to add Section 4230.5 to the Agricultural Code, relating to the marketing of fluid milk and fluid cream.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 4230.5 is added to the Agricultural Code, to read:

4230.5. The prices established for fluid milk, fluid skim milk, and fluid cream for Class 2 or Class 3 usage shall be such as to return to the fluid milk producers supplying the marketing area, after all transportation, handling, and other charges against the producers are subtracted therefrom, not less than the prices received for manufacturing milk, delivered at the ranch where produced, by the manufacturing milk pro-

ducers who supply manufacturing milk to those milk products plants the manufacturing milk prices paid by which are taken into consideration in establishing the Class 2 and Class 3 prices in the applicable stabilization and marketing plan; provided, however, that the prices so established may be lower prices than required by this section if the director makes a written finding based upon evidence and testimony adduced at a public hearing that the establishment of such lower prices is necessary to effectuate the purposes and policies of this chapter and includes in such finding a statement of the reasons for making it. Each such finding shall be incorporated in the applicable stabilization and marketing plan.

CHAPTER 1847

An act to add Section 7677.1 to the Public Utilities Code, relating to train movement orders.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7677.1 is added to the Public Utilities Code, to read:

7677 1. Radio or other means of communication not hereinabove referred to in Section 7677 may be used for the purpose of transmitting orders for the movement of trains, subject to such rules or regulations as the commission may promulgate for insuring the safety of railroad operations.

CHAPTER 1848

An act to amend Section 1956 of the Government Code, relating to employees of the State.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1956 of the Government Code is amended to read:

1956. The State, a county, city, district, or any other public agency or public corporation may insure its officers, deputies, assistants, agents, and employees against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from their negligence or carelessness during the course of their service or employment and for the injuries or damages resulting from the dangerous or defective condition of public property, including public property as defined in

Article 2, and due to their alleged negligence or carelessness, and the State, a school district, a county, or any municipality may insure its officers, including officers defined in Article 2, against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from false arrest or false imprisonment, either by self-insurance or in any insurer authorized to transact such insurance in the State. The premium for the insurance is a proper charge against the Treasury of the State, county, city, district, public agency or public corporation.

CHAPTER 1849

An act to amend Section 12 of the Ventura County Flood Control Act (Ch. 44, Stats. 1944 (2d Ex. Sess.)), relating to the Ventura County Flood Control District.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 12 of the Ventura County Flood Control Act (Ch. 44 Stats. 1944 (2d Ex. Sess.)) is amended to read:

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

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

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

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located

in any other zone except as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in Zone One and shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of the assessed valuation of the taxable property in Zones Two, Three and Four, exclusive of any tax or assessment levied to meet the bonded indebtedness of said zones or district and the interest thereon.

CHAPTER 1850

An act to add Section 1256.2 to the Code of Civil Procedure, relating to condemnation proceedings.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1256.2 is added to the Code of Civil Procedure, to read:

1256.2. In any condemnation proceeding, either party shall be allowed to question any witness as to all expenses and fees paid or to be paid to such witness by the other party.

CHAPTER 1851

An act to amend Section 1254 of, and to add Section 1254.5 to, the Code of Civil Procedure, relating to the deposit and investment of money paid into court.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1254 of the Code of Civil Procedure is amended to read:

1254. At any time after trial and judgment entered or pending an appeal from the judgment to the Supreme Court, whenever the plaintiff shall have paid into court, for the defendant, the full amount of the judgment, and such further sum as may be required by the court as a fund to pay any further damages and costs that may be recovered in said proceeding, as well as all damages that may be sustained by the defendant, if, for any cause, the property shall not be finally taken for public use, the superior court in which the proceeding was tried may, upon notice of not less than 10 days, authorize the plaintiff, if already in possession, to continue therein, and if not, then to take possession of and use the Eminent domain

property during the pendency of and until the final conclusion of the litigation, and may, if necessary, stay all actions and proceedings against the plaintiff on account thereof. In an action for condemnation of property for the use of a school district, an order so authorizing possession or continuation of possession by such school district is not appealable. The defendant, who is entitled to the money paid into court for him upon any judgment, shall be entitled to demand and receive the same at any time thereafter upon obtaining an order therefor from the court. It shall be the duty of the court, or a judge thereof, upon application being made by such defendant, to order and direct that the money so paid into court for him be delivered to him upon his filing a satisfaction of the judgment, or upon his filing a receipt therefor, and an abandonment of all defenses to the action or proceeding, except as to the amount of damages that he may be entitled to in the event that a new trial shall be granted. A payment to a defendant, as aforesaid, shall be held to be an abandonment by such defendant of all defenses interposed by him, excepting his claim for greater compensation In ascertaining the amount to be paid into court, the court shall take care that the same be sufficient and adequate The payment of the money into court, as hereinbefore provided for, shall not discharge the plaintiff from liability to keep the said fund full and without diminution; but such money shall be and remain, as to all accidents, defalcations, or other contingencies (as between the parties to the proceedings), at the risk of the plaintiff, and shall so remain until the amount of the compensation or damages is finally settled by judicial determination, and until the court awards the money, or such part thereof as shall be determined upon, to the defendant, and until he is authorized or required by rule of court to take it. If, for any reason, the money shall at any time be lost, or otherwise abstracted or withdrawn, through no fault of the defendant, the court shall require the plaintiff to make and keep the sum good at all times until the litigation is finally brought to an end, and until paid over or made payable to the defendant by order of court, as above provided. The court shall order the money to be deposited in the State Treasury, unless the plaintiff requests the court to order deposit in the county treasury, in which case the court shall order deposit in the county treasury. If the court orders deposit in the State Treasury, it shall be the duty of the State Treasurer to receive all such moneys, duly receipt for, and to safely keep the same in the Condemnation Deposits Fund, which fund is hereby created in the State Treasury and for such duty he shall be liable to the plaintiff upon his official bond Money in the Condemnation Deposits Fund may be invested and reinvested in any securities described in Sections 16430, 16431 and 16432, Government Code, or deposited in banks as provided in Chapter 4 of Part 2 of Division 4 of Title 2, Government Code. The Pooled Money Investment Board shall designate at least once a month the

amount of money available in the fund for investment in securities or deposit in bank accounts, and the type of investment or deposit and shall so arrange the investment or deposit program that funds will be available for the immediate payment of any court order or decree. Immediately after such designation the Treasurer shall invest or make deposits in bank accounts in accordance with the designations.

For the purposes of this section, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Members may authorize deputies to act for them for the purpose of making determinations under this section

Interest earned and other increment derived from investments or deposits made pursuant to this section, after deposit of money in the State Treasury, shall be deposited in the Condemnation Deposits Fund After first deducting therefrom expenses incurred by the Treasurer in taking and making delivery of bonds or other securities under this section, the State Controller shall apportion as of June 30th and December 31st of each year the remainder of such interest earned or increment derived and deposited in the fund during the six calendar months ending with such dates. There shall be apportioned and paid to each plaintiff having a deposit in the fund during the six-month period for which an apportionment is made, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The State Treasurer shall pay out the money deposited by a plaintiff in such manner and at such times as the court or a judge thereof may, by order or decree, direct. In all cases where a new trial has been granted upon the application of the defendant, and he has failed upon such trial to obtain greater compensation than was allowed him upon the first trial, the costs of such new trial shall be taxed against him.

SEC. 2. Section 1254.5 is added to said code, to read:

Investment, etc

1254.5. When money is paid into court as provided by Section 14 of Article I of the Constitution, the court shall order the money to be deposited in the State Treasury, unless the plaintiff requests the court to order deposit in the county treasury, in which case the court shall order deposit in the county treasury. If money is deposited in the State Treasury pursuant to this section it shall be held, invested, deposited, and disbursed in the manner specified in Section 1254, and interest earned or other increment derived from its investment shall be apportioned and disbursed in the manner specified in that section.

CHAPTER 1852

An act to add Section 148.1 to the Penal Code, relating to false reports of the planting of bombs and explosives.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 148.1 is added to the Penal Code, to read:

148.1. Any person who reports to any police officer, sheriff, district attorney, newspaper, radio station, television station, deputy sheriff, deputy district attorney, member of the California Highway Patrol, employees of an air line, employees of an airport, employees of a railroad or bus line, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been secreted in any public or private place knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

CHAPTER 1853

An act to add Section 187 to the Education Code, relating to the Department of Education.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 187 is added to the Education Code, to read:

187. The State Board of Education may, upon recommendation of the Director of Education, establish in the Department of Education a commission to assist and advise local school districts in problems relating to racial, religious or other discrimination in connection with the employment of certificated employees.

CHAPTER 1854

An act to amend Sections 26523 and 29611 of the Government Code, relating to the defense or prosecution of actions by or against auditor or treasurer and the necessary expenses in connection therewith.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 26523 of the Government Code is amended to read:

26523. Upon request of the auditor or treasurer, the district attorney shall defend or prosecute any action brought by or against the auditor or treasurer for the purpose of testing the validity or constitutionality of any act of the Legislature or of the board of supervisors or of any order providing for the payment of any funds held in the county treasury in those cases only where the interest of the county is not adverse.

SEC. 2. Section 29611 of said code is amended to read:

29611. The necessary expenses, incurred by the auditor and treasurer in the defense and prosecution of any action brought by or against them to test the validity or constitutionality of any act of the Legislature or of the board of supervisors or of any order providing for the payment of any funds held in the county treasury are county charges.

CHAPTER 1855

An act to amend Sections 270, 270a, and 270e of the Penal Code, relating to the offenses of abandonment and nonsupport of wife and children.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 270 of the Penal Code is amended to read:

Omission to provide necessities, etc

270. A father of either a legitimate or illegitimate minor child who wilfully omits without lawful excuse to furnish necessary clothing, food, 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 of abandonment or desertion of a child by such father or omission by such father to furnish such food, shelter, clothing or medical attendance or other remedial care for more than thirty (30) days is prima facie evidence that such father was outside the State.

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.

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.

SEC. 2. Section 270a of said code is amended to read:

Nonsupport of wife

270a. Every husband who has 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 guilty of a misdemeanor.

SEC. 3. Section 270e of said code is amended to read:

Proof of marriage or parenthood

270e. No other evidence shall be required to prove marriage of husband and wife, or that a person is the lawful father or mother of a child or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under either Section 270a or 270 of this code any existing provisions of law prohibiting the disclosure of confidential communications between husband and wife shall not apply, and both husband and wife shall be competent to testify to any and all relevant matters, including the fact of marriage and the parentage of a child or children. Proof of the abandonment and nonsupport of a wife, or of the omission to furnish necessary food, clothing, shelter, or of medical attendance for a child or children is prima facie evidence that such abandonment and nonsupport or omission to furnish necessary food, clothing, shelter or medical attendance is wilful. In any prosecution under Section 270, it shall be competent for the people to prove nonaccess of husband to wife or any other fact establishing nonpaternity of a husband. In any prosecution pursuant to Section 270, the final establishment of paternity or nonpaternity in another proceeding shall be admissible as evidence of paternity or nonpaternity.

CHAPTER 1856

An act to amend Section 7719 of the Education Code, relating to school district building aid.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7719 of the Education Code is amended to read:

Final apportionments Conditions

7719. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 7713, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, before being applied toward the cost of the project for which an apportionment is sought. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 7713 shall be conditioned upon the approval and sale of such bonds by the district.

Bond issue

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board

shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 7713 shall be conditioned upon the approval and sale of such bonds by the district.

Election

No apportionment to a school district shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter, an apportionment under the provisions of this chapter. Such election shall be combined with and held at the same time as the bond election to authorize the amount of bonds required by the board, if any, and shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot, in addition to the bond proposition, shall contain substantially the following words:

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment in an amount not to exceed _____ dollars ($_____) from the State of California under and subject to the provisions of Chapter 19 of Division 3 of the Education Code which amount is subject to repayment as provided by said chapter?
Yes _____ No _____."

CHAPTER 1857

An act to add Section 7712.2 to the Education Code, relating to state school building aid.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 7712.2 is added to the Education Code, to read:

7712.2. Notwithstanding any other provisions of this chapter, a district may apply, on a separate application, for an apportionment for the purchase of laboratory and vocational training equipment, whether or not such equipment is for use in connection with a construction project.

All of the provisions of this chapter apply to such application and apportionment except that:

(a) Any application for the equipment pursuant to this section which is received by the board shall be transmitted to the Department of Education. If the Department of Education approves the application, it shall refer it to the board which shall either approve or reject the application pursuant to Section 7713. Any provision of Section 7713 inconsistent with this section shall not apply to such application.

(b) Sections 7705 and 7705.1 do not apply.

(c) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment, and the interest thereon, may be over a period of years, not to exceed 20 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter.

CHAPTER 1858

An act to repeal Section 7717 of, and to add Sections 7717, 7717.15, 7717.25, 7717.3, 7717.4, and 7717.5 to, the Education Code, relating to school district public works.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7717 of the Education Code is hereby repealed.

SEC. 2. Section 7717 is added to said code, to read:

Apportionment for new construction

7717. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 7717.15, 7717.25, 7717.3, 7717.4, and 7717.5.

As used in Sections 7717.15, 7717.25, 7717.3, 7717.4, and 7717.5, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 7717.3, 7717.4, and 7717.5, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove, the allocation by an applicant district of units of estimated average attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 7717.15, 7717.25, 7717.3, 7717.4, and 7717.5, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the

fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a high school district or unified district, composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made The estimates of average daily attendance shall be based upon the number of family dwellings under construction in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the Department of Education.

Notwithstanding any provision of this code to the contrary, for the purposes of this chapter pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district.

SEC. 3. Section 7717.15 is added to said code, to read:

Maximum area Kindergarten, etc

7717.15. There shall be allowed to each district with attendance units of 300 or more in kindergarten and grades 1 to 6, inclusive, a maximum area of 55 square feet for each attendance unit of the district in kindergarten and grades 1 to 6, inclusive.

The maximum total building area per attendance unit allowed to applicant districts with attendance units of less than 300 in kindergarten and grades 1 to 6, inclusive, for such attendance units shall be determined by the Department of Education, and shall be building area to provide comparable facilities to those provided by the first paragraph of this section, and shall be the least building area required to house adequately the estimated average daily attendance and the normal instructional and other services.

SEC. 4. Section 7717 25 is added to said code, to read:

Same Grades 7 and 8

7717.25. There shall be allowed to each district a maximum area of 75 square feet for each attendance unit of the district in grades 7 and 8.

SEC. 5. Section 7717 3 is added to said code, to read:

Same Junior high schools

7717.3. The allowance of maximum area to a district for the attendance units in junior high schools of the district composed of grades 7 to 9, inclusive, or 7 to 10, inclusive, shall be determined pursuant to this section, rather than Sections 7717.25 and 7717.4. This section does not apply to junior high schools composed of grades 7 and 8 only.

There shall be allowed to each district a maximum area for the attendance units of the district in junior high schools determined by computing, in accordance with the following paragraph, the number of square feet for the attendance units at each junior high school attendance center of the district, and totaling the number of square feet so determined for all attendance units in all such junior high school attendance centers of the district.

There shall be allowed a maximum area of 75 square feet for each attendance unit of the junior high school attendance center in grades 7 and 8. For each attendance unit in grade 9, or grades 9 and 10, as the case may be, at each junior high school attendance center, there shall be allowed a maximum area of a number of square feet equal to the number of square feet which would be allowed under Section 7717.4 for each attendance unit of an attendance center having a total number of attendance units equal to the total number of attendance units in grades 7 to 9, inclusive, or 7 to 10, inclusive, as the case may be, at the junior high school attendance center. The number of square feet which would be allowed under Section 7717.4 for each attendance unit of an attendance center shall be computed by determining in accordance with that section the total number of square feet which would be allowed at an attendance center and dividing such total number of square feet by the total number of attendance units at such attendance center.

SEC. 6. Section 7717.4 is added to said code, to read:

Same Grades 9 to 12

7717.4. There shall be allowed to each district a maximum area for the attendance units of the district in grades 9 to 12, inclusive, determined by computing, for the attendance units in grades 9 to 12, inclusive, at each attendance center of the district, a number of square feet for the number of attendance units in such grades at each attendance center, in accordance with the following table, and totaling the number of square feet so determined for all attendance units in such grades of all attendance centers of the district:

Attendance units of attendance center	Maximum number of square feet of building area
1-50	18,000
51-100	18,000 plus 162 for each attendance unit over 50
101-200	26,100 plus 99 for each attendance unit over 100
201-300	36,000 plus 60 for each attendance unit over 200
301-600	42,000 plus 54 for each attendance unit over 300
601-1,800	58,200 plus 80 for each attendance unit over 600
Over 1,800	154,200 plus 70 for each attendance unit over 1,800

SEC. 7. Section 7717.5 is added to said code, to read:

Same Grades 13 and 14

7717.5. There shall be allowed to each district a maximum area for the attendance units of the district in grades 13 and 14, determined by computing, for the attendance units in grades 13 and 14, at each attendance center of the district, a number of square feet for the number of attendance units

in such grades at each attendance center, in accordance with the following table, and totaling the number of square feet so determined for all attendance units in such grades of all attendance centers of the district:

Attendance units of attendance center	Maximum number of square feet of building area
1-50	18,000
51-100	18,000 plus 162 for each attendance unit over 50
101-200	26,100 plus 99 for each attendance unit over 100
201-300	36,000 plus 60 for each attendance unit over 200
301-400	42,000 plus 54 for each attendance unit over 300
401-600	47,400 plus 59 for each attendance unit over 400
601-1,800	59,200 plus 88 for each attendance unit over 600
Over 1,800	164,800 plus 77 for each attendance unit over 1,800

CHAPTER 1859

An act to add Section 1752.9 to the Welfare and Institutions Code, relating to leases of land by the Department of the Youth Authority.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1752.9 is added to the Welfare and Institutions Code, to read:

1752.9. The Department of the Youth Authority, with the approval of the Director of Finance, may lease land at any institution under its jurisdiction, at a nominal rental, to any nonprofit or eleemosynary corporation. The terms of the lease shall require the corporation to construct a house of worship on such land, and to maintain and operate the same primarily for the use of Youth Authority wards and staff. All work as an employee on such house of worship performed under contract or by day labor shall be subject to the provisions of Division 2, Part 7, of the Labor Code.

CHAPTER 1860

An act to add Section 11158 to the Education Code, relating to the adoption of basic textbooks for use in the public schools.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 11158 is added to the Education Code, to read:

11158. Before final adoption of a textbook, it shall be made available for public inspection for 30 days in not less than 10 public libraries as directed by the State Board of Education.

CHAPTER 1861

An act to amend Section 2192 of, and to add Sections 2192.3, 2193.3, and 2193.5 to, the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2192 of the Revenue and Taxation Code is amended to read:

2192. Except as otherwise specifically provided, all tax liens attach annually as of noon on the first Monday in March preceding the fiscal year for which the taxes are levied. Attachment of tax lien

SEC. 2. Section 2192.3 is added to said code, to read:

2192.3. A tax of one-tenth of 1 percent is hereby levied on the full cash value of cotton in the baled form. Baled cotton Tax

The tax shall be assessed, equalized, levied and collected like any other county taxes, except as otherwise specifically provided, and is in lieu of all other property taxes on cotton.

SEC. 3. Section 2193.3 is added to said code, to read:

2193.3. The tax lien on cotton shall attach at the time the cotton has been ginned and baled, and the tax levied thereon shall be collectible only at the time that the cotton is removed from the gin yard or other place in which it is ginned or baled. Same Lien

SEC. 4. Section 2193.5 is added to said code, to read:

2193.5. Where the tax lien on cotton attaches during any fiscal year before the levy of taxes for that year, it shall be deemed a tax lien for the taxes levied for that year. Where, however, the tax lien attached during any fiscal year after the levy of taxes for that year, it shall be deemed a tax lien for the taxes levied for the immediate succeeding fiscal year. Fiscal year

CHAPTER 1862

An act to amend Sections 74262, 74263, and 74264 of the Government Code, relating to the municipal court established in a district embracing the City of San Bernardino.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 74262 of the Government Code is amended to read:

Clerk, etc

74262. There shall be one clerk who may appoint one assistant clerk, three court clerks, two supervising clerks, one court clerk assistant, two clerks III, and five clerks II.

SEC. 2. Section 74263 of said code is amended to read:

Marshal, etc

74263. There shall be one marshal who may appoint one chief deputy marshal, two deputy marshals, three deputy bailiffs and one deputy marshal clerk.

SEC. 3. Section 74264 of said code is amended to read:

Salaries

74264. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the schedule set forth below:

	B	C	D	E	F
Chief clerk	$599	$587	$616	$647	$679
Assistant clerk	438	460	483	507	532
Court clerk	327	343	360	378	397
Supervising clerk	327	343	360	378	397
Court clerk assistant	311	327	343	360	378
Clerk III	269	282	296	311	327
Clerk II	244	256	269	282	296
Marshal	500	500	500	500	500
Chief deputy marshal	378	397	417	438	460
Deputy marshal	343	360	378	397	417
Deputy bailiff	327	343	360	378	397
Deputy marshal clerk	282	296	311	327	343

The hiring salary for each position shall be the salary in column "B." A service period of six months shall be required for a salary increase from column "B" to column "C" and one additional year's service for a salary increase from column "C" to column "D." A service period of 18 additional months shall be required for a salary increase from column "D" to column "E" and two additional years' service for a salary increase from column "E" to column "F."

CHAPTER 1863

An act to add Sections 74265, 74266, 74267, and 74268 to the Government Code, relating to officers and attaches of the municipal court established in the district embracing the City of San Bernardino.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 74265 is added to the Government Code, to read:

74265. 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 felony 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. Official reporters

SEC. 2. Section 74266 is added to said code, to read:

74266. In any civil action or proceedings, in addition to the fees required by Article 2 of Chapter 8 of this title, a fee of four dollars ($4) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances: Filing fees

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding.

The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of this title.

SEC. 3. Section 74267 is added to said code, to read:

74267. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury. Fee for transcription of testimony, etc

SEC. 4. Section 74268 is added to said code, to read:

74268. Official reporters of the court shall be members of any retirement system maintained by the county in which they Retirement system

are employed. For the purposes of such retirement system, the salary provided for such reporters in this article shall be deemed their entire compensation.

CHAPTER 1864

An act to add Section 74270 to the Government Code, relating to the municipal court established in a district embracing the City of San Bernardino.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 74270 is added to the Government Code, to read:

74270. Notwithstanding the provisions of Article 4 (commencing at Section 72150) 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 general session of the Legislature.

CHAPTER 1865

An act to amend Sections 8550, 8556, and 15298 of the Health and Safety Code, Sections 27366, 27371, and 27372 of the Government Code, Sections 8769 and 11628 of the Business and Professions Code, Sections 560 and 703 of the Code of Civil Procedure, and Sections 2924b, 2939, and 2940 of the Civil Code, relating to recordation of instruments.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 8550 of the Health and Safety Code is amended to read:

Cemetery authority

8550. Every cemetery authority, from time to time as its property may be required for interment purposes, shall:

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or crematory and columbarium it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

(c) The maps or plats shall be clearly and legibly drawn, printed, or reproduced by a process guaranteeing a permanent record on opaque linen or tracing cloth. The size of each sheet shall be 18 by 26 inches. A one (1) inch blank margin shall be left at the left edge and a one-half ($\frac{1}{2}$) inch margin shall be left at the other edges of the sheet.

SEC. 2. Section 8556 of the Health and Safety Code is amended to read:

8556. The county recorder of the county in which a map or plat is filed shall index the map or plat in the general index giving reference to date of filing and number or to book and page so that it may easily be found. The recorder may bind the maps or plats in special books or in his books of maps of subdivisions. The fee for filing and indexing said map or plat shall be the same as provided for subdivided land under Section 27372 of the Government Code. Index by recorder Fee

SEC. 3. Section 15298 of the Health and Safety Code is amended to read:

15298. Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. A certified copy of the order of vacation may be recorded in the office of the recorder of the county where the notice of pendency of action is recorded. Lis pendens

SEC. 4. Section 27366 of the Government Code is amended to read:

27366. The fee for any copy of any other record or paper on file in the office of the recorder, when the copy is made by him, is ten cents ($0.10) a folio. When any copy of any other record is made by photographic reproduction, the fee shall be one dollar ($1) for the first page and fifty cents ($0.50) for each additional page or portion thereof; provided, said page does not exceed 11 by 18 inches. The fee for photostatic copies of pages exceeding 11 by 18 inches shall be one dollar and fifty cents ($1.50) for the first page and eighty cents ($0.80) for each additional page or portion thereof. Copy fee

SEC. 5. Section 27371 of the Government Code is amended to read:

27371. The fee for recording each map or plat where it is copied in a book of record is ten cents ($0.10) for each course, plus ten cents ($0.10) a folio for letters and figures on the map or plat. Map or plat recording

When recording is by a photographic method the fee for recording each map or plat shall be the same as provided for under Sections 27361 and 27361 5 of this code.

SEC. 6. Section 27372 of the Government Code is amended to read:

Subdivision maps

27372. The fee for recording or filing and indexing each map wherein land is subdivided in lots, tracts, or parcels is five dollars ($5) for the first page and two dollars ($2) for each additional page.

SEC. 7. Section 8769 of the Business and Professions Code is amended to read:

Record of survey

8769. The charge for filing any record of survey, and for indexing the same, shall be the same as provided for subdivided land under Section 27372 of the Government Code.

SEC. 8. Section 11628 of the Business and Professions Code is amended to read:

Final map

11628. When any final map is presented to the county recorder and is accepted by him, he shall so certify on the face thereof and shall fasten the same securely in a book of maps of subdivisions or of cities and towns which he shall keep in his office. Upon acceptance by the recorder, the final map shall be a public record.

SEC. 9. Section 560 of the Code of Civil Procedure is amended to read:

Release of attachment

560. An attachment as to any real property may be released by a writing signed by the plaintiff, or his attorney, or the officer who levied the writ, and acknowledged and recorded in the like manner as a grant of real property.

SEC. 10. Section 703 of the Code of Civil Procedure is amended to read:

Property redemption

703. If property be so redeemed by a redemptioner, another redemptioner may, within 60 days after the last redemption, again redeem it from the last redemptioner on paying the sum paid on such last redemption, with 2 percent thereon in addition, and the amount of any assessment or taxes, and any reasonable sum for fire insurance, maintenance, upkeep, or repair of any improvements upon the property, which the last redemptioner may have paid thereon after the redemption by him, with interest on such amount, and, in addition, the amount of any liens held by such redemptioner prior to his own, with interest; but the judgment under which the property was sold need not be so paid as a lien. In the event there shall be a dispute or disagreement as to whether any sum demanded for fire insurance, maintenance, upkeep, or repair, is a reasonable charge to be added to the amount required to be paid by the subsequent redemptioner, the amount to be paid shall be determined in a like manner as provided in Section 702 for the determination of such amount in the event of disagreement between the original redemptioner and purchaser.

The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner

within 60 days after the last redemption, on paying the sum paid on the past previous redemption, with 2 percent thereon in addition, and the amounts of any assessments or taxes, and any reasonable sum for fire insurance, maintenance, upkeep, or repair of any improvements upon the property, which the last previous redemptioner paid after the redemption by him, with interest thereon, and the amount of any liens, other than the judgment under which the property was sold, held by the last redemptioner previous to his own with interest. In the event there shall be a dispute or disagreement as to whether any sum demanded for fire insurance, maintenance, upkeep, or repair, is a reasonable charge to be added to the amount required to be paid by the subsequent redemptioner, the amount to be paid shall be determined in a like manner as provided in Section 702 for the determination of such amount in the event of disagreement between the original redemptioner and purchaser.

Written notice of redemption must be given to the sheriff and a duplicate recorded with the recorder of the county, and if any taxes or assessments are paid by the redemptioner, or if any sum for fire insurance, maintenance, upkeep, or repair of any improvement upon the property, is paid by the redemptioner, or if he has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and recorded with the recorder; and if such notice be not recorded, the property may be redeemed without paying such tax, assessment, sum, or lien.

If no redemption be made within 12 months after the sale, the purchaser, or his assignee, is entitled to a conveyance; or if so redeemed, whenever 60 days have elapsed and no other redemption has been made, and notice thereof given and the time for redemption has expired, the last redemptioner, or his assignee, is entitled to a sheriff's deed; but, in all cases, the judgment debtor shall have the entire period of 12 months from the date of the sale to redeem the property.

If the judgment debtor redeem, he must make the same payments as are required to effect a redemption by a redemptioner. If the debtor redeem, the effect of the sale is terminated, and he is restored to his estate.

Upon a redemption by the debtor, the person to whom the payment is made must execute and deliver to him a certificate of redemption, acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be recorded in the office of the recorder of the county in which the property is situated.

SEC. 11. Section 2924b of the Civil Code is amended to read:

2924b. Any person desiring a copy of any notice of default and of any notice of sale under any deed of trust or mortgage with power of sale upon real property, as to which deed of trust or mortgage the power of sale cannot be exercised until

Notice of default or sale

such notices are given for the time and in the manner provided in Section 2924 may, at any time subsequent to recordation of such deed of trust or mortgage and prior to recordation of notice of default thereunder, cause to be filed for record in the office of the recorder of any county in which any part or parcel of the real property is situated, a duly acknowledged request for a copy of any such notice of default and of sale. This request shall set forth the name and address of the person requesting copies of such notices, shall identify the deed of trust or mortgage by stating the names of the parties thereto, the date of recordation thereof and the book and page where the same is recorded or the recorder's number and shall be in substantially the following form:

"In accordance with Section 2924b, Civil Code, request is hereby made that a copy of any notice of default and a copy of any notice of sale under the deed of trust (or mortgage) recorded _____, 19__ in Book _____ page _____ records of _____ County, (or filed for record with recorder's serial number _____, _____ County) California, executed by _____ as trustor (or mortgagor) in which _____, is named as beneficiary (or mortgagee) and_____ as trustee be mailed to _____ at _____.

Name Address

Signature _____"

Upon the filing for record of such request, the recorder shall index in the general index of grantors the names of the trustors (or mortgagor) recited therein and the names of persons requesting copies.

The mortgagee, trustee or other person authorized to record the notice of default, shall within 10 days following recordation of such notice of default deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of such notice with the recording date shown thereon, addressed to each person whose name and address are set forth in a duly recorded request therefor, directed to the address designated in said request, and at least 20 days before date of sale the mortgagee, trustee or other person authorized to make the sale shall deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of the notice of the time and place of sale, addressed to each person whose name and address are set forth in a request therefor recorded, within the time herein provided.

Any deed of trust or mortgage with power of sale hereafter executed upon real property may contain a request that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to any person a party thereto at the address of such person given therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as herein authorized. If, in any deed

of trust or mortgage with power of sale hereafter executed, except a deed of trust or mortgage of any of the classes excepted from the provisions of Section 2924, no address of the trustor or mortgagor is therein set forth and if no request for notice by such trustor or mortgagor has been recorded as herein provided, a copy of the notice of default shall be published once a week for at least four weeks in a newspaper of general circulation in the county in which the property is situated, such publication to commence within 10 days after the filing of the notice of default. In lieu of such publication a copy of the notice of default may be delivered personally to the trustor or mortgagor within such 10 days or at any time before publication is completed.

A recital in the deed executed pursuant to the power of sale of compliance with all requirements of law regarding the mailing of copies of notices for which requests have been recorded or the publication of a copy of the notice of default or of personal delivery of the copy of the notice of default shall constitute prima facie evidence of compliance therewith and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value and without notice.

No request for copy of any notice filed for record pursuant to this section nor any statement or allegation in any such request nor any record thereof shall affect the title to real property or be deemed notice to any person that any person requesting copies of notice has or claims any right, title or interest in, or lien or charge upon the property described in the deed of trust or mortgage referred to therein.

SEC 12. Section 2939 of the Civil Code is amended to read:

2939. A recorded mortgage must be discharged by 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. Discharge of mortgage

SEC. 13. Section 2940 of the Civil Code is amended to read:

2940. A certificate of the discharge of a mortgage, and the proof or acknowledgment thereof, must be recorded in the office of the county recorder in which the mortgage is recorded. Recordation

CHAPTER 1866

An act providing for a study of the feasibility of the acquisition and development of the historic Santa Barbara Presidio as part of the State Park System and providing for donations for such park.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. The Division of Beaches and Parks of the Department of Natural Resources shall conduct a study of the

feasibility of the acquisition and development of the Santa Barbara Presidio as part of the State Park System. The division shall report to the Legislature with respect to such study at the commencement of the 1959 Regular Session of the Legislature

If the division determines the Santa Barbara Presidio is feasible, it may accept on behalf of the State of California donations of any real property which falls within the original boundaries of the Royal Presidio of Santa Barbara. In the event that the State of California fails to appropriate funds and to do all work therefor as may be reasonably required to complete the acquisition, development, and interpretation of the historic Santa Barbara Presidio as a State Park within a period of 10 years from the effective date of this act, the division shall then reconvey to the donors or their heirs or estates any real property which has been donated to the State for such purposes at no expense to the State of California.

CHAPTER 1867

An act to amend Section 960.5 of the Military and Veterans Code, relating to veterans' graves.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 960 5 of the Military and Veterans Code is amended to read:

960.5. Whenever in any cemetery or place of burial of human remains there is any known grave of a former soldier, sailor, or marine of the United States who was not dishonorably discharged from the service, the board of supervisors of any county as to territory, whether incorporated or not, within it, and the governing body of the city as to territory within it, with the consent of the officers who manage such cemetery or place of burial, if any may keep such grave properly marked and identified, and free from weeds and rubbish, and keep in decent order and repair and free from defacement, injury, and unlawful markings any tomb, monument, gravestone, wall, or other appurtenance to such grave.

CHAPTER 1868

An act to amend Section 200 of the Code of Civil Procedure, relating to jury duty.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be: Exemption from jury duty

1. A judicial, civil, naval or military officer of the United States, or of this State while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing chiropodist, or practicing registered optometrist, or druggist, actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this State;

10 An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this State, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this State, or any exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this State, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision 3 of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply; or,

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination.

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

CHAPTER 1869

An act to add Section 75034 to the Government Code, relating to the retirement of judges.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 75034 is added to the Government Code, to read:

75034. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected as such by vote of the people, has been discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, and who withdrew his accumulated contributions prior to September 9, 1953, he may within one year after the effective date of this section pay into the Judges' Retirement Fund a sum equal to the amount withdrawn plus interest thereon at the rate of 6 percent per annum from the date of withdrawal to the date of payment. A judge who makes such payment as in this section provided shall, upon his application therefor to the State Controller after attaining age 65, or after making said payment, whichever event last occurs, 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 1870

An act to amend Section 670 of the Vehicle Code, relating to brakes.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 670 of the Vehicle Code is amended to read:

670. Brakes. (a) Brake equipment shall be required upon vehicles as follows:

1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, a service brake and an emergency brake, each of which shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

3. One of the means of brake operation upon a motor vehicle, other than a motorcycle or motor-driven cycle, shall consist of a mechanical connection from the operating lever to brake shoes or bands or other effective locking and releasing mechanism and shall be capable of locking the rear driving wheels and of being set to hold the vehicle, or combination of vehicles, stationary to the limit of traction of such braked wheels.

4. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service brake and emergency brake operation.

CHAPTER 1871

An act to amend Sections 9359.8, 9361, and 9361.1 of the Government Code, relating to the Legislators' Retirement System, and declaring the urgency thereof to take effect immediately.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect immediately

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

SECTION 1. Section 9359.8 of the Government Code is amended to read:

Death before retirement

9359.8. Upon the death of any member before retirement, his accumulated contributions shall be paid to his beneficiary, if he has designated one, and if not, to his estate. There shall also be paid to his beneficiary or estate an amount equal to one-twelfth of the annual compensation of a Member of the Legislature during the 12 months immediately preceding his death, multiplied by the number of completed years of service and prior service for which he is entitled to elect to receive credit, but not to exceed one-half of such annual compensation if the decedent was an elective officer of the State whose office is provided for by the Constitution other than a Member of the Legislature. The benefits provided by this section are in addition to any benefits provided by Division 4 of the Labor Code.

The benefit accorded by this section is not payable if the deceased member's spouse survives him and is entitled to receive an allowance for life pursuant to the provisions of this chapter.

SEC. 2. Section 9361 of said code is amended to read:

Election of optional settlements

9361. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article.

SEC. 3. Section 9361.1 of said code is amended to read:

Time for election of optional settlement

9361.1. Such election, revocation, or change of election may be made at any time before the effective date of retirement or after such effective date and prior to the making of the first payment on account of any retirement allowance.

If at any time before the making of the first payment on account of the member's retirement allowance, his spouse dies, or his marriage is terminated by a final judgment of divorce or annulment, the election of the member shall automatically be void, and the member may make a new election.

A member who has elected an optional settlement providing for the payment of a benefit to his spouse may at any time before the making of the first payment on account of his retirement allowance substitute a different optional settlement.

Such election, revocation, or change of election shall be made by a writing filed with the board.

If a member who is eligible for retirement has elected one of the optional settlements specified in this article, the surviving spouse of such member shall receive the same benefits as such surviving spouse would have received if the date of his death had also been the date of his retirement and if retirement had preceded death. If in such event benefits are paid to a surviving spouse, no payment shall be made pursuant to Section 9359.8. If a member dies without having elected an optional settlement and there is a surviving spouse, he shall be deemed for the purposes of this paragraph to have elected Optional Settlement No. 2. In either case, the benefits payable

to the surviving spouse shall be in the same amount as if the member had elected to receive credit for service rendered prior to the date he became a member of this system and had paid the full amount of the contributions in respect to such service.

Any election filed under this section prior to the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session shall continue to be effective in accordance with the terms of this section as it read prior to such amendments and may thereafter be revoked or changed or become void only in accordance with this section as it read prior to such amendment.

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 the necessity are: Urgency

The present provisions of the Legislators' Retirement Law, particularly with respect to optional settlements and changes of election with respect to such optional settlements, are so fixed and limited in character as to give rise to dangers of serious hardships in cases of death and other changes in family circumstances. This has resulted in a reluctance on the part of qualified citizens who would otherwise be candidates for the Office of Member of the Legislature to seek such office. Because vacancies which have and may occur during the present session of the Legislature should be promptly filled by special elections at the earliest possible time, and because the amendments to the Legislators' Retirement Law contained in this act make changes in provisions dealing with optional settlements and related matters of character which will encourage qualified citizens to seek legislative office, this measure is necessary for the immediate preservation of the public peace, health, or safety.

CHAPTER 1872

An act to permit housing authorities functioning in certain counties to contract with school districts for improvements, services, and facilities.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. This act applies only to housing authorities organized under Part 2 (commencing at Sec. 34200, H. & S. C.) of Division 24 of the Health and Safety Code and existing and functioning in counties with a population of more than 80,000 and less than 90,000, as determined by the 1950 Federal Census.

SEC. 2. A housing authority which has acquired, by purchase or gift, any temporary housing project or projects from the Federal Government may, with respect to any such projects

only, enter into a contract with any school district to provide for the furnishing of improvements, services, and facilities, by the school district for the benefit of the housing project.

SEC. 3. The contract may fix the sum which the housing authority is to pay during any period for such improvements, services, and facilities. This sum may be in addition to any payment in lieu of taxes which is to be made by the housing authority to the school district. The sum shall not exceed the difference between the estimated cost to the school district of furnishing the improvements, services, and facilities, and any amount to be received by the school district in lieu of taxes. The contract may provide that payments by the housing authority may be made in cash or in services and facilities to be rendered or supplied by the housing authority to the school district, or both. The contract may fix the value of such services and facilities.

SEC. 3.1. Payment made to any school district pursuant to the provisions of this act shall not constitute miscellaneous funds within the meaning of either Section 7000.1 or Section 7000.4 of the Education Code.

SEC. 4. The absence of any contract authorized by Section 2 of this act does not relieve any school district from the duty to furnish for the benefit of any housing project, the customary improvements, services, and facilities that the school district usually furnishes without a service fee.

SEC. 5. Provisions of this act pertain to temporary housing projects only and may not be applied to permanent low rent housing projects.

SEC. 6. This act shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature. While this act is in effect it supersedes 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 they shall have the same force as though this act had not been enacted.

CHAPTER 1873

An act to add Section 3791.4 to the Revenue and Taxation Code, relating to the purchase of tax-deeded or tax-sold property held in trust for public park purposes, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 3791.4 is added to the Revenue and Taxation Code, to read:

3791.4. Whenever property has been deeded to the State for taxes, whether or not the property is subject to or has been sold or deeded for taxes to a taxing agency other than the

State, the State, county, or other revenue district the taxes of which on the property are collected by county officers may purchase the property or any part thereof, including any right of way or other easement, pursuant to this chapter.

As used in this section "property" includes land held under an express trust for the exclusive use by the State or any county or other revenue district as a public park.

This section shall remain in effect until September 1, 1959. While this section is in effect it shall supersede Section 3791.3 of this code, and wherever in any provision of law reference is made to Section 3791.3, such reference shall be deemed to refer to this section; but Section 3791.3 is not repealed by this section and after this section is no longer effective Section 3791.3 shall have the same force and effect as though this section had not been enacted.

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 lands, upon which the property tax is now delinquent and therefore subject to being deeded to the State as "tax-deeded property," are held in trust for the exclusive use by the State or county or other revenue district as a public park. To insure, therefore, that such property be used as a public park and not become subject to tax sale, this act must go into effect immediately.

CHAPTER 1874

An act to amend Section 1 of Chapter 1076 of the Statutes of 1947, relating to tidelands and submerged lands in San Luis Obispo County.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1 of Chapter 1076 of the Statutes of 1947 is amended to read:

Section 1. There is hereby granted and conveyed to the County of San Luis Obispo and to its successors, all of the right, title, and interest of the State of California, held by it by virtue of its sovereignty, in and to the tidelands and submerged lands, whether filled or unfilled, in or adjacent to Morro Bay, and more particularly bounded and described as follows:

Beginning at the northwesterly corner of Section 6, T. 30 S., R. 11 E., M. D. M., being also the northeast corner of Lot 5, Section 1, T. 30 S., R. 10 E., M. D. M., as shown on General Land Office Township Plat of T. 30 S., R. 10 E., approved October 17, 1889, thence south a distance of 1149.70 feet to a

point, as shown on "Map of Survey of Parcels of Land in Lot 5 of Section 1, T. 30 S., R. 10 E., M. D. M., San Luis Obispo County, California, Pacific Engineers and Surveyors, Inc., September 1952" and recorded in Book 6 page 73 of Records of Surveys, San Luis Obispo County Records, thence west on a true line to the ordinary high water mark of Morro Bay, the true point of beginning; thence from the true point of beginning, in a northwesterly direction to the northeasterly corner of Lot 1, Section 1, T. 30 S., R. 10 E., M. D. M.; thence along the ordinary high water mark of Morro Bay and the Pacific Ocean to the northwesterly corner of Lot 1, Section 2, T. 30 S., R. 10 E., M. D. M., thence west to a point 3 miles seaward of the ordinary high water mark of the Pacific Ocean; thence in a northerly direction to the point of intersection with the westerly prolongation of the center line of 66th Street, Atascadero Beach, 3 miles seaward of the ordinary high water mark of the Pacific Ocean as it existed prior to the construction of the seawall extending from Atascadero Beach to Morro Rock; thence along said ordinary high water mark of the Pacific Ocean and Morro Bay, as shown on a plat entitled "Map Showing Survey of San Luis Obispo County Property in Lot 1, Block 31, Atascadero Beach and Line of Mean High Water along the Pacific Ocean Adjacent to and North and South of Said Property and Near the Proposed Breakwater at Morro Rock, Surveyed by Kenneth Beck, County Surveyor, March 1934" and recorded in Book 2 at page 39 of Licensed Surveyors' Maps, San Luis Obispo County Records, to the point of intersection with the northwesterly line of Tidelands Survey No. 14, as shown on plat entitled "Map of Survey of Parcels of Land Being Portions of Lots 1 and 2 of Block 31 and Speedway, Atascadero Beach, and Portion of Block F, Town of Morro, San Luis Obispo County, California, Pacific Engineers & Surveyors, Inc., December 1954" and filed in Book 7, page 60 of Records of Surveys, San Luis Obispo County Records, thence along the landward boundary lines of Tidelands Surveys Nos. 14 and 10, thence continuing along the ordinary high water mark of Morro Bay to the true point of beginning, excepting therefrom tidelands patented by the State under Tidelands Surveys Nos. 10 and 14, and any land owned by the State under the jurisdiction of the Division of Beaches and Parks, State of California, consisting of 3,300 acres, more or less.

To be forever held by said county and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said county, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of com-

merce and navigation, and said county, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

(b) That said lands shall be improved by said county without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or 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 county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) There is hereby excepted and reserved to the State of California and the people thereof the absolute right, as the case may be, to regulate, control, establish, provide for, and dispose of oyster beds pursuant to the provisions of Sections 814 to 822, inclusive, of the Fish and Game Code of this State.

CHAPTER 1875

An act to amend Section 30750 of the Streets and Highways Code, relating to bridges across Carquinez Straits and approaches thereto, declaring the urgency thereof and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 30750 of the Streets and Highways Code is amended to read:

30750. As used in this article:

(a) "Existing bridge" means that certain bridge across the Carquinez Straits near Crockett, known as the Carquinez Bridge, together with any existing or new and additional approaches thereto necessary or desirable to connect with the present State Highway Routes 7 and 14, or any realignment thereof, which approaches shall extend, constructed to freeway standards, to a point approximately four and one-half miles north of the north end of the bridge, which point is just north of the Greenfield Avenue intersection, and to a point approximately four miles south of the south end of the bridge, which point is just north of the intersection of Routes 14 and 106.

(b) "Additional Carquinez Bridge" means a new toll bridge across the Carquinez Straits near Crockett, to be located approximately parallel to and upstream from the existing bridge, together with all approaches thereto necessary or desirable to connect with the present State Highway Routes 7 and 14 or any realignment thereof, which approaches shall extend, constructed to freeway standards, to a point approximately four and one-half miles north of the north end of the bridge, which point is just north of the Greenfield Avenue intersection, and to a point approximately four miles south of the south end of the bridge, which point is just north of the intersection of Routes 14 and 106, and toll collection facilities to serve both the existing bridge and the additional toll bridge.

(c) "Benicia-Martinez Bridge" means a new toll bridge across Carquinez Straits and connecting, with suitable approaches, the Cities of Benicia and Martinez, such approaches to include improvements southerly to a connection with Route 106 and northerly to a connection with Route 74, approximately one-half mile northwesterly from Second Street in the City of Benicia, and toll collection facilities for the bridge.

(d) "Authority" means the California Toll Bridge Authority.

(e) "Department" means the Department of Public Works of the State of California.

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 connection with the financing of the Benicia-Martinez Bridge, it may be necessary to eliminate the construction of a freeway into the City of Martinez and it is anticipated that the issuance and sale of bonds may take place prior to the time this act otherwise would take effect. It is therefore necessary that this act take effect immediately.

CHAPTER 1876

An act to add Section 942.5 to the Streets and Highways Code, relating to county highways.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 942.5 is added to the Streets and Highways Code, to read:

942.5. The board of supervisors may restrict the use of, or close, any county highway whenever the board considers such closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such county highway from damage during storms.

(c) During construction, improvement or maintenance operations thereon.

No liability shall attach to the county, or to the board of supervisors, for the restriction of use, or closing, of any county highway for the above public purposes.

This section does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 1877

An act to amend Section 495 of the Fish and Game Code and Section 3 of Chapter 973 of the Statutes of 1949, and Sections 302 and 303 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to fish.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 495 of the Fish and Game Code is amended to read:

495. The commission may 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 stream, etc

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.

SEC. 2. Section 3 of Chapter 973 of the Statutes of 1949 is amended to read:

Operative date

Sec. 3. The provisions of Sections 495 and 496 of the Fish and Game Code shall be effective until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature and thereafter shall have no force or effect.

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. 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 495 of the Fish and Game Code adopted in 1933 and Section 3 of Chapter 973 of the Statutes of 1949 are repealed.

CHAPTER 1878

An act to add Section 7729.2 to the Education Code, relating to apportionments for school construction.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 7729 2 is added to the Education Code, to read:

7729.2. If an apportionment is made to an elementary district for a project which includes space for pupils in grades 7 and 8, who reside in a high school district which maintains one or more junior high schools, the board shall determine and specify the portion of the apportionment that is allocated to the cost of such space.

If an elementary district receives an apportionment, a portion of which is for space for pupils in grades 7 and 8 who reside in a high school district which maintains one or more junior high schools, it shall repay the principal amount of such portion of the apportionment as an additional payment in equal amounts over a 30-year period. Interest on the total apportionment shall be paid as provided in Section 7732. Such repayment is in addition to the repayments required on the total of all apportionments to the district, which shall be repaid as otherwise provided in this chapter.

The State Controller shall make deductions provided by Section 7731 each fiscal year until the principal amount of the portion of the apportionment that was allocated for space for pupils in grades 7 and 8 who reside in a high school district

which maintains one or more junior high schools has been withheld.

If an elementary school district has received an apportionment, a portion of which is for space for pupils in grades 7 and 8 who reside in a high school district which maintains one or more junior high schools and subsequently files an application for an apportionment, it may request that space for grades 7 and 8 approved in a previous apportionment be available for grades kindergarten through six, and that the unpaid amount of the portion of the previous apportionment allocated for grades 7 and 8 be made a part of the new application and apportionment.

CHAPTER 1879

An act to add Section 653i to the Penal Code, relating to eavesdropping on confidential communications.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 653i is added to the Penal Code, to read:

653i. Every person who, without permission from all parties to the conversation, eavesdrops on or records, by means of an electronic or other device, a conversation, or any portion thereof, between a person who is in the physical custody of a law enforcement officer or other public officer, or who is on the property of a law enforcement agency or other public agency, and such person's attorney, religious advisor, or licensed physician, is guilty of a felony; provided, however, the provisions of this section shall not apply to any employee of a public utility engaged in the business of providing service and facilities for telephone or telegraph communications while engaged in the construction, maintenance, conduct or operation of the service or facilities of such public utility who listens in to such conversation for the limited purpose of testing or servicing such equipment.

CHAPTER 1880

An act to add Section 7732.5 to the Education Code, relating to the repayment of loans to school districts by the State for school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect immediately

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

SECTION 1. Section 7732.5 is added to the Education Code, to read:

Deferment of repayment Determination, etc.

7732.5. If, on or before August 1, 1957, with respect to the 1957-58 Fiscal Year, and on or before July 1st of any subsequent fiscal year, any school district files a request with the State Controller for a deferment of the annual repayment due from such district during the 1957-58 Fiscal Year and any subsequent fiscal year for an apportionment received by the district pursuant to this chapter or Chapter 1.6 of this division, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination.

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district, during the fiscal year in which the annual repayment is to be deducted pursuant to Sections 5058 and 7731, for the payment of principal and interest on any bonded indebtedness incurred for school purposes prior to any conditional apportionment under this chapter and those which were incurred as a condition to any apportionment under this chapter. There shall also be computed the amount required to be raised by taxes on property in the district, during such fiscal year, for the annual repayment of school building apportionments under Chapter 1.6 of this division and under this chapter. The amounts so computed, when added together, shall constitute the "basic tax amount."

There shall be computed the amount which would be produced by a tax of forty-five cents ($0.45) on each one hundred dollars ($100) of assessed valuation of the district during such year, to be known as the "forty-five cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the 45-cent tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of Finance to, and the Director of Finance shall, determine and certify to the State Controller the amount required to be raised during that fiscal year by taxes on property within each district which has filed a request for deferment pursuant to this section for the payment of principal and interest on any bonded indebtedness incurred for school purposes prior to any conditional apportionment under this chapter and those which were incurred as a condition to an apportionment under this chapter. On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment of a district" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 5057 and Section 7729, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years. Any repayments by a district of a deferred amount shall be first applied to loans granted under Chapter 1.6 of this division.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 5059 or Section 7732, as the case may be, there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 5059 or Section 7732, as the case may be, shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 5060 or Section 7733, whichever is applicable.

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:

Pyramiding of local property taxes in school districts which have received loans from the State for state school building aid has created serious problems in financing the current operations of schools and threatens the success of bond issues to construction of necessary school facilities. In order to alleviate the situation so that adequate educational opportunity of all of the children of the State will be provided, it is necessary that this act take effect immediately.

CHAPTER 1881

An act to amend Section 1541 of the Penal Code, relating to the disposition of a search warrant and related documents when a magistrate has no power to inquire into the offense

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1541 of the Penal Code is amended to read:

1541. The magistrate must annex the affidavit, or affidavits, the search warrant and return, and the inventory, and if he has not power to inquire into the offense in respect to which the warrant was issued, he must at once file such warrant and return and such affidavit, or affidavits, and inventory with the clerk of the court having power to so inquire.

CHAPTER 1882

An act to amend Section 1526 of the Penal Code, relating to examination by a magistrate of the complainant and any supporting witnesses before issuance of a search warrant.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1526 of the Penal Code is amended to read:

1526. The magistrate may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses he may produce, and must take his affidavit or their affidavits in writing, and cause same to be subscribed by the party or parties making same.

CHAPTER 1883

An act to amend Section 1527 of the Penal Code, relating to contents of documents supporting search warrants.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1527 of the Penal Code is amended to read:

1527. The affidavit or affidavits must set forth the facts tending to establish the grounds of the application, or probable cause for believing that they exist.

CHAPTER 1884

An act to amend Section 1524 of the Penal Code, relating to grounds for issuing a search warrant.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1524 of the Penal Code is amended to read:

1524. A search warrant may be issued upon any of the following grounds:

1. When the property was stolen or embezzled.

2. When the property or things were used as the means of committing a felony.

3. When the property or things are in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered.

4. When the property or things to be seized consist of any item or constitutes any evidence which tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

The property or things described in this section may be taken on the warrant from any place, or from any person in whose possession it may be.

CHAPTER 1885

An act to amend Sections 1528 and 1536 of the Penal Code, relating to search warrants.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1528 of the Penal Code is amended to read:

1528. If the magistrate is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a peace officer in his county, commanding him forthwith to search the person or place named, for the property or things specified, and to retain such property or things in his custody subject to order of the court as provided by Section 1536.

Issuance of warrant

SEC. 2. Section 1536 of said code is amended to read:

1536. All property or things taken on a warrant must be retained by the officer in his custody, subject to the order of

Property retention

the court to which he is required to return the proceedings before him, or of any other court in which the offense in respect to which the property or things taken is triable.

CHAPTER 1886

An act to amend Section 8568 of, and to add Section 8656 to, and to repeal Section 8677 of, the Business and Professions Code, relating to structural pest control.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 8568 of the Business and Professions Code is amended to read:

Denial of license

8568. After a hearing the board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant, if an individual, has not, or if the applicant is a person other than an individual, that its manager and each of its officers, directors, employees, members and partners have not:

(a) Knowingly committed or aided and abetted the commission of any illegal act which, if committed by a licensee, would be ground for suspension or revocation of a license under this chapter.

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

(c) While acting as a partner, officer, or managing employee of a firm, partnership, or corporation, had guilty knowledge of and participated in the commission of any act resulting in the suspension or revocation of a license.

(d) Been convicted of a felony or a crime involving moral turpitude. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

(e) Knowingly committed or done an act involving dishonesty, fraud or deceit whereby the applicant has been benefited, or whereby some injury has been sustained by another.

(f) Misrepresented any material fact on his application for a license.

When a hearing is held under this section it shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all of the powers granted therein.

SEC. 2. Section 8656 is added to said code, to read:

Mental illness, etc

8656. 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.

SEC. 3. Section 8677 of said code is hereby repealed. Repeal

CHAPTER 1887

An act to add Section 46.5 to and amend Sections 407, 427, 428, 992, 1201.3 and 1278 of the Fish and Game Code, and add Section 13005 to, and amend Sections 1055, 3031, 3652, 4332, 7149, and 7852 of, the Fish and Game Code as proposed by Assembly Bill No. 616, relating to licenses and making an appropriation for study of fish and game.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 46.5 is added to the Fish and Game Code, to read:

46.5. Fifty (50) percent of all revenue attributable to the increase in license fees established by amendment of Sections 427, 428, 992, 1201.3, and 1278 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. Increased revenue from fees

SEC. 2. Section 407 of said code is amended to read:

407. The commission may issue and deliver licenses, for distribution, to any person except a fish and game commissioner or a person employed in the Division of Fish and Game without receiving full payment therefor, upon application of such person, and upon the giving of a bond as provided in this article, in which event such person shall be allowed as compensation five (5) percent of the amount accounted for, however, such compensation shall not exceed fifteen cents Credit agent

($0.15) per sport fishing or hunting license, fifty cents ($0.50) per commercial fishing license, or five cents ($0.05) per tag or permit. Bonded license agents may retain said compensation from all legal fees received for sales of licenses and shall remit the balance of such fees to the commission within 10 days following the last day of each calendar month.

SEC. 3. Section 427 of said code is amended to read:

Hunting license

427. Class A. 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 same fee as provided by subsection (a), even though she be an alien.

The amendments to this section shall become operative on July 1, 1958.

SEC. 4 Section 428 of said code is amended to read:

Sport fishing license

428. A sport fishing license granting the privilege to take fish 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).

(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.

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, 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 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 407 shall not be paid the license agent for sale of such license 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 sport fishing licenses 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.

SEC. 5. Section 992 of said code is amended to read.

992. The annual license fee shall be fifteen dollars ($15) for each person, and shall be paid to the commission or to someone designated by it for that purpose. Annual license fee

The amendments to this section shall become operative on April 1, 1958.

SEC. 6. Section 1201.3 of said code is amended to read:

1201.3. Any person who possesses a valid hunting license may, upon payment of two dollars ($2), procure the number of pheasant tags corresponding to the number of pheasants that may be legally taken by one person during the then current license year. Pheasant tags

The amendments to this section shall become operative with the issuance of pheasant tags for the 1957 pheasant season.

SEC. 7. Section 1278 of said code is amended to read:

1278. 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. Deer tags

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.

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. 15. Sections 8, 9, 10, 11, 12, 13, and 14 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 46 5, 407, 427, 428, 992, 1201 3, and 1278 of the Fish and Game Code adopted in 1933 are repealed Effect Stats. 1957, Ch 456

SEC. 16 There is hereby appropriated one hundred thousand dollars ($100,000), or so much thereof as is necessary, from the Fish and Game Preservation Fund to the Joint Appropriation

Legislative Budget Committee for a contract or contracts for the study of existing and future programs and plans of the Department of Fish and Game and the policies of the Fish and Game Commission. This appropriation is from the 50 percent of increased revenues made unavailable without specific appropriation by the Legislature under Section 46.5 of the Fish and Game Code and Section 13005 of the Fish and Game Code as proposed in Assembly Bill No. 616 of the 1957 Regular Session.

CHAPTER 1888

An act to amend Section 1181 of the Code of Civil Procedure, relating to mechanics' liens.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 1181 of the Code of Civil Procedure is amended to read:

1181. Mechanics, materialmen, contractors, subcontractors, artisans, architects, registered engineers, licensed land surveyors, machinists, builders, teamsters and draymen, and all persons and laborers of every class performing labor upon or bestowing skill or other necessary services on, or furnishing materials to be used or consumed in, or furnishing appliances, teams, or power contributing to, the construction, alteration, addition to, or repair, either in whole or in part, of, any building, structure, or other work of improvement shall have a lien upon the property upon which they have bestowed labor or furnished materials or appliances for the value of such labor done or materials furnished and for the value of the use of such appliances, teams, or power, whether done or furnished at the instance of the owner or of any person acting by his authority or under him, as contractor or otherwise.

CHAPTER 1889

An act making an appropriation in augmentation of the appropriation in Item 216 of the Budget Act of 1956, for support of Colorado River Board of California, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. The sum of twenty-six thousand seven hundred sixty-eight dollars ($26,768) is hereby appropriated out of the General Fund in the State Treasury in augmentation of

Item 216 of the Budget Act of 1956 for support of 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 Constitution and shall go into immediate effect.

CHAPTER 1890

An act to amend Sections 505, 507, and 512 of, and to add Section 520 to, the Military and Veterans Code, relating to the California Cadet Corps.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 505 of the Military and Veterans Code is amended to read:

505. The Adjutant General may in his discretion organize companies of the California Cadet Corps into battalions and regiments and each such battalion and regiment so organized shall have a staff to consist of such cadet commissioned officers and cadet noncommissioned officers as may be prescribed by the Adjutant General. The Adjutant General may adopt tables of organizations for the battalions or regiments created hereunder and all cadet officers or cadet noncommissioned officers appointed, commissioned or warranted as staff or line cadet officers or cadet noncommissioned officers shall be selected upon the recommendation of the cadet commandant with the approval of the president, director or other chief administrative officer or principal of the college, junior college or high school.

Regimental and battalion organization

SEC. 2. Section 507 of said code is amended to read:

507. Any cadet commissioned officer or cadet noncommissioned officer may have his commission or warrant canceled and be reduced to the ranks, or dismissed from the California Cadet Corps and any cadet may be dismissed from the corps, upon the recommendation of the president, director or chief administrative officer of the college or junior college or the principal of the high school, for deficiency in his studies or for misbehavior either in college, junior college or high school or in the California Cadet Corps or for other good cause in the judgment of the president, director of chief administrative officer of the college or junior college or the principal of the high school.

Cancellation of commission or warrant

SEC. 3. Section 512 of said code is amended to read:

512. Target practice shall constitute a part of the instruction to be given to cadets. Members of the California Cadet Corps may engage in rifle matches and competitions conducted or held in this State or at any place in the United States. The Adjutant General may purchase and supply to each of the colleges, junior colleges and high schools a sufficient number

Target practice

of Springfield or other efficient rifles for field target work and gallery practice and the ammunition and equipment therefor, as in his judgment is necessary for efficient rifle practice. A sufficient number of rifles suitable for field target work or gallery target firing and the ammunition and equipment therefor may be purchased by a board of high school trustees, board of education, board of directors or trustees of a college or junior college, county superintendent of schools, or the State Superintendent of Public Instruction, out of any funds available therefor, and the governing body or governing officials of any high school, junior college or college may purchase the necessary parts for and may repair any rifles acquired or furnished for the use of members of the California Cadet Corps. All target practice shall be under the supervision of the president, chief administrative officer, director or principal of the college, junior college or high school or such officer or officers as he or they may appoint. Competent members of the National Guard, State Guard, California Defense and Security Corps, California National Guard Reserve or Naval Militia may be detailed by the Adjutant General, with their consent, and upon request of the president, chief administrative officer, director or principal of the college, junior college or high school, as instructors of target practice in the California Cadet Corps. Such instructors while on duty at said college, junior college or high school during target practice shall be under the immediate control and jurisdiction of the governing body of said college, junior college or high school The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 4. Section 520 is added to said code, to read:

Compensation

520. In all cases in which any executive officer, assistant executive officer, regional or other supervisor of cadet instruction, and officers appointed or detailed, pursuant to Sections 502, 502 1, 512, 513, 515, or 516.1, when in the performance of duty ordered by the Adjutant General, is wounded, injured, disabled or killed in the performance of ordered duty and in line of duty, such executive officer, assistant executive officer, regional, or other supervisor of cadet instruction, or officers appointed or detailed, pursuant to Sections 502, 502.1, 512, 513, 515, or 516 1, shall be entitled to receive compensation from the State in accordance with the provisions of Division 4 of the Labor Code. In all such cases, such officers and those so appointed or detailed shall be held and deemed to be employees of the State. The compensation to be awarded to any such officer and those so appointed or detailed shall be ascertained, determined and fixed upon the basis of his average income from all sources during the year immediately preceding the date of such injury or death, or the commencement of such disability, but such compensation shall in no case exceed the maximum prescribed in Division 4 of the Labor Code

In the determination of benefits to be awarded any such officer and those so appointed or detailed, under the provi-

sions of this section, it shall be conclusively presumed that the average yearly earning of such injured or deceased officer is not less than two thousand five hundred dollars ($2,500). Any injury, death or disability shall be deemed to have been suffered in line of duty unless the same resulted from misconduct or disobedience of lawful orders by the injured or deceased officer.

CHAPTER 1891

An act to amend Section 26826 of the Government Code, relating to fees of the county clerk.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 26826 of said code is amended to read:

26826. Upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, corespondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is three dollars ($3).

CHAPTER 1892

An act to amend Section 26827 of the Government Code, relating to fees of the county clerk.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 26827 of the Government Code is amended to read:

26827. The fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship is ten dollars ($10). For filing a second or any subsequent petition for letters of administration, special letters of administration, letters testamentary, or letters of guardianship in the same proceeding or a petition to contest any will or codicil, the fee is six dollars ($6). When the subsequent petition is filed to amend a previously filed petition, but the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

CHAPTER 1893

An act to amend Section 34004 of the Government Code, relating to cities.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 34004 of the Government Code is amended to read:

34004. Where any duty is imposed upon a municipal officer by any law of this State or any rule or regulation adopted under the authority of any such law the governing body of a city may, by ordinance, impose such duty or a portion thereof upon such other officer of such city as is charged under the charter of that city, or by applicable general law with the performance of duties of the same character in that city. A copy of any such ordinance as adopted shall be filed with the state officer or agency which has charge of the matter to which such duty pertains.

CHAPTER 1894

An act to add Section 11722 to the Health and Safety Code, relating to eligibility of narcotic addicts for probation and parole.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 11722 is added to the Health and Safety Code, to read:

11722. (a) Whenever any court in this State grants probation to a person who the court has reason to believe is or has been a user of narcotics, the court may require as a condition to probation that the probationer submit to periodic tests by a city or county health officer, or by a physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, to determine, by means of the use of synthetic opiate antinarcotic in action whether the probationer is a narcotic addict.

In any case provided for in this subdivision, the city or county health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to the probation officer.

(b) In any case in which a person is granted parole by a county parole board and the person is or has been a user of narcotics, a condition of the parole may be that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval

of the State Division of Narcotic Enforcement, shall report the results to the board.

(c) In any case in which any state agency grants a parole to a person who is or has been a user of narcotics, it may be a condition of the parole that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to such state agency.

(d) The cost of administering tests pursuant to subdivisions (a) and (b) shall be a charge against the county. The cost of administering tests pursuant to subdivision (c) shall be paid by the State.

(e) The State Department of Public Health, in conjunction with the State Division of Narcotic Enforcement, shall issue regulations governing the administering of the tests provided for in this section and providing the form of the report required by this section.

CHAPTER 1895

An act to amend Section 2421.5 of the Education Code, relating to school districts.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2421.5 of the Education Code is amended to read:

Territory annexation to city

2421.5. (a) Territory annexed to a city which is not contiguous to a school district within the city shall not become a part of any school district within such city pursuant to Section 2421.

(b) Territory annexed to a city which is part of a unified school district shall not become a part of any school district within the city pursuant to Section 2421 unless prior to the annexation, the governing boards of the affected districts agree in writing that the territory shall become part of the city school district. In order for the agreement to be effective, a certified copy thereof shall be filed with the city council prior to the adoption of the resolution specified in Section 35117 or Section 35306 of the Government Code, and such resolution shall contain a statement that the annexed territory shall become part of the city school district.

(c) Territory annexed to a city which is part of a union high school district or a joint union high school district shall not become a part of any school district within the city pursuant to Section 2421 unless prior to the annexation, the governing board of the city school district and the governing board of the elementary district in which the territory is situated agree in writing that the territory located in the

elementary district shall become part of the city school district. In order for the agreement to be effective, a certified copy thereof shall be filed with the city council prior to the adoption of the resolution specified in Section 35117 or Section 35306 of the Government Code, and such resolution shall contain a statement that the annexed territory shall become a part of the city school district. This subdivision shall apply only to territory, or that portion of territory, to be annexed which lies outside of a one-half mile radius of a school building or a school building site acquired by the city school district on or before May 15, 1957.

(d) Territory annexed to a city which is contiguous to a city school district within such city, except as otherwise provided in subdivisions (b) and (c) of this section, shall not become part of any elementary, high school, junior college, or any other school district within said city as provided in Section 2421 unless proceedings are had and completed for the annexation or inclusion of such territory to the school district in the manner provided elsewhere in this code, or unless the resolution required by Section 35117 of the Government Code in the case of proceedings for the annexation of inhabited territory, or the resolution required by Section 35306 of the Government Code in proceedings for the annexation of uninhabited territory contains a statement that the annexed territory shall become part of the school district of the city.

The provisions of subdivision (a), (b), or (d) of this section, as the case may be, apply to territory proposed to be annexed to a city in which territory is situated any school district or part of any school district.

The provisions of subdivision (a), (b), or (d) of this section, as the case may be, apply to any proceedings to annex territory to a city which have not been completed on or before the effective date of the amendment of this section at the 1955 Regular Session of the Legislature, except proceedings in which the resolution provided for in Section 35117 of the Government Code has been adopted, or in which the city legislative body or the board of supervisors has approved the annexation by ordinance, or resolution, as the case may be, for other city annexation proceedings.

The provisions of subdivision (c) of this section apply to any proceedings to annex territory to a city which have not been completed on or before the effective date of the amendment of this section at the 1957 Regular Session of the Legislature, except proceedings in which the resolution provided for in Section 35117 of the Government Code has been adopted, or in which the city legislative body or the board of supervisors has approved the annexation by ordinance, or resolution, as the case may be, for other city annexation proceedings.

The provisions of subdivision (a), (b), (c), or (d) of this section, as the case may be, shall not apply to general law cities or to cities which have provided in their original charter that they shall not constitute a separate school district.

CHAPTER 1896

An act to add Section 1060 to the Water Code, relating to fees collected by the State Water Rights Board, making an appropriation and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect immediately

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

SECTION 1. Section 1060 is added to the Water Code, to read:

1060. (a) All fees collected and deposited in the State Treasury by the State Water Rights Board during the 1956-57 Fiscal Year and each year thereafter, except fees collected under Part 3 (commencing at Section 2000) of this division, funds received for trial distribution expenses in connection with the administration of Section 1051.5, and deposits and payments made pursuant to Section 5007 shall be credited to the appropriation for the support of the board which is current at the time of the deposit of such fees in the State Treasury.

(b) Money deposited with or paid to the board pursuant to Section 1051.5 or 5007 and deposited by the board in the State Treasury is available for expenditure by the board in accordance with those sections without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code, and any unused balance shall be refunded by the board to the person entitled thereto.

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 1956-57 Fiscal Year marks the first year of operations by the State Water Rights Board. Under existing statutory provisions, fees collected by the board, other than those collected pursuant to court references or statutory adjudications, are deposited in the State Treasury and may not be expended by the board since they are not appropriated for such purpose. In order to provide sufficient funds for the board to carry out its functions during the 1956-57 Fiscal Year, it is necessary that this act go into immediate effect.

CHAPTER 1897

An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 506 of the Public Resources Code is amended to read:

506. The Division of Parks shall be administered through a chief who shall have at least five years of executive experience in park, recreational, or related types of administration, and who shall be appointed by the director upon nomination by the State Park Commission. General policies for the administration, protection, and development of the State Park System shall be determined by the State Park Commission which shall consist of seven members appointed by the Governor, with the advice and consent of the Senate.

The members of the State Park Commission shall be selected from areas distributed throughout the State and because of their interest in park and conservation matters and shall serve for terms of four years and until their successors are appointed and qualified. The Governor shall make the first appointments hereunder for terms expiring, respectively, on the fifteenth day of January, as follows: two in the year 1947, two in the year 1948, and one in the year 1949.

The two new members added to the commission by the amendment made to this section by the Legislature at the 1957 Regular Session shall be appointed by the Governor for terms expiring, one on the fifteenth day of January, 1958, and one on the fifteenth day of January, 1961.

The Governor shall specify, previous to July 1, 1946, a termination date of appointment, coincident with January 15th, for the members holding office at his pleasure.

In case of any vacancy the appointment shall be for the remainder of the unexpired term. All appointments of members made when the Legislature is not in session shall be subject to confirmation by the Senate at the next regular or special session of the Legislature.

CHAPTER 1898

An act to add Sections 2312 and 1629.5 to the Welfare and Institutions Code, relating to the regulation of institutions and boarding homes for aged persons and children.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 2312 is added to the Welfare and Institutions Code, to read:

2312. The director may bring an action to enjoin the threatened violation, or continued violation of the provisions of this chapter or of any of the regulations promulgated under this chapter in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss. Injunction violations

At least 30 days prior to the filing of the complaint in such action, the director shall serve the licensee with a written notice specifying each deficiency in the licensed home or institution, and of the violation or continued violation by such home or institution of this chapter or any of the regulations promulgated under this chapter. No restraining order shall be issued in such action.

SEC. 2. Section 1629.5 is added to the Welfare and Institutions Code, to read:

1629.5. The director may bring an action to enjoin the threatened violation, or continued violation of the provisions of this chapter or of any of the regulations promulgated under this chapter in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss. Same

At least 30 days prior to the filing of the complaint in such action, the director shall serve the licensee with a written notice specifying each deficiency in the licensed home or institution, and of the violation or continued violation by such home or institution of this chapter or any of the regulations promulgated under this chapter. No restraining order shall be issued in such action.

CHAPTER 1899

An act to add Sections 7905 and 7906 to the Public Utilities Code, relating to interception of communications.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7905 is added to the Public Utilities Code, to read:

7905. The Public Utilities Commission shall issue regulations requiring every telephone corporation subject to its juris-

diction to maintain complete records of all instances in which its employees discover any device installed for the purpose of overhearing communications over the lines of such corporation and all instances in which such employees reasonably believe and report to the corporation their belief that such device is installed or has been installed but has since been removed.

SEC. 2. Section 7906 is added to said code, to read:

7906. The Public Utilities Commission shall regularly make inquiry of every telephone corporation under its jurisdiction to determine whether or not such corporation is taking adequate steps to insure the privacy of communications over such corporation's telephone communication system.

CHAPTER 1900

An act to add Section 218.1 to the Vehicle Code, relating to highway user taxes and fees and the powers of the Reciprocity Commission to enter into reciprocal agreements and arrangements in respect thereto.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Section 218.1 is added to the Vehicle Code, to read:

218.1. Reciprocity With Bordering States. The Reciprocity Commission shall also have power to enter into agreements or arrangements with the duly authorized representatives of any state bordering this State as follows:

(a) Such agreements or arrangements shall be applicable to commercial vehicles as described in subdivision (a) of Section 215 of this code, or to a class of such commercial vehicles to be specified in such agreement or arrangement.

(b) Such agreement or arrangement shall be applicable only within an area in each state, situate along the boundary line between the two, to be substantially equal in size and usage as nearly as may be practicable, and to be described in such agreement or arrangement.

(c) Such agreement or arrangement shall exempt the owners or persons entitled to the possession of or right to operate vehicles of the type or class specified therein, which are properly registered or licensed in such other state, and upon which evidence of registration is conspicuously displayed, from the payment, wholly or partially, of any vehicle license, registration or weight fee imposed under this code, and any fee or tax imposed under Parts 4 and 5, Division 2 of the Revenue and Taxation Code, while operating such vehicle in the area in this State described in such agreement or arrangement.

(d) Such agreement or arrangement shall contain provisions by which the owners or persons entitled to the possession

of or right to operate vehicles of the type or class specified therein, and registered or licensed in this State, shall receive substantially equivalent exemptions, benefits and privileges and terms and conditions while operating such vehicles in the area in the other state described in such agreement or arrangement as in the commission's judgment are best calculated to promote the interests of this State.

(e) Such agreement or arrangement shall not require proportionate registration and licensing of vehicles provided for in Sections 218 and 219 of this code.

(f) Such agreement or arrangement may contain provisions denying the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the Reciprocity Commission.

CHAPTER 1901

An act to amend Section 1915 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1915 of the Harbors and Navigation Code is amended to read:

1915. The San Francisco Port Authority may promote the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business. The advertising and solicitation may be conducted within or without this State and through such agencies, mediums, employees and agents as are determined by the authority. The authority may, in its discretion, publish and distribute a magazine, pamphlets, booklets and other printed and advertising matter for the purpose of developing traffic and promoting and maintaining the commerce and prestige of the port, and may use any moneys of the San Francisco Harbor Improvement Fund for the special purposes authorized by this provision out of its revenues and all moneys spent by the authority pursuant to this provision shall be accounted for to the State Controller. Members and employees of the authority in attending conventions of port authorities and meetings of transportation clubs, trade associations and business organizations that may advance the interests of the port shall be allowed their actual necessary expenses in the performance of such services as may from time to time be deemed desirable by the authority and shall be allowed entertainment expenses necessarily incurred in connection with the solicitation of cargo or official visits of port or transportation personnel, but no additional salary or compensation to such members or employees shall be paid on account thereof.

CHAPTER 1902

An act to add Division 5, comprising Sections 1701 to 2207, inclusive, to the Probate Code, relating to the care of persons and property in need of conservatorship.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 9, 1957.]

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

SECTION 1. Division 5, comprising Sections 1701 to 2207, inclusive, is added to the Probate Code to read:

DIVISION 5. CONSERVATORSHIP

CHAPTER 1. DEFINITION OF CONSERVATOR AND STATEMENT OF LAW APPLICABLE

1701. A conservator is a person appointed to take care of the person and property or person or property of a conservatee as defined in Section 1751.

1702. Conservatorships shall be governed by the provisions of this division; provided, however, that whenever no specific provision of this division is applicable, then the provisions of Divisions 3 and 4 of this code shall govern so far as they are applicable to like situations.

Conservator or guardian

1703. No provision of this division shall repeal or modify any of the provisions relating to guardianships. No appointment of both a conservator and a guardian shall be made for the same person or estate. A petitioner may elect to apply either for letters of conservatorship or letters of guardianship, or he may apply for such letters in the alternative. In the latter case the court upon the hearing of the petition shall take such action and issue such letters as shall be for the best interests of the conservatee or ward. After the issuance of letters of conservatorship or guardianship the proceeding shall thereafter be governed by the provisions of this code applicable to the relationship established by the original appointment and issuance of letters.

Petition, etc.

1704. Upon a petition and after notice and hearing thereon all as provided for an initial petition for the appointment of a conservator, a conservator may be appointed to succeed an existing guardian and an existing guardian, upon the settlement of his accounts as guardian, may be appointed by the court as a conservator, and new letters issued. Thereafter such proceeding and the parties affected thereby shall be governed by the provisions of this division.

1705. Upon a petition and after notice and hearing thereon all as provided for an initial petition for the appointment of a guardian, a guardian may be appointed to succeed an existing conservator and an existing conservator, upon the settlement of his accounts as conservator, may be appointed by the

court as a guardian, and new letters issued. Thereafter such proceeding and the parties affected thereby shall be governed by the provisions of Division 4 of this code.

CHAPTER 2. CREATION AND TERMINATION

Appointment

1751. Upon petition as provided in this chapter, the superior court, if satisfied by sufficient evidence of the need therefor, shall appoint a conservator of the person and property or person or property of any adult person who by reason of advanced age, illness, injury, mental weakness, intemperance, addiction to drugs or other disability, or other cause is unable properly to care for himself or for his property, or who for said causes or for any other cause is likely to be deceived or imposed upon by artful or designing persons, or for whom a guardian could be appointed under Division 4 of this code, or who voluntarily requests the same and to the satisfaction of the court establishes good cause therefor The court, in its discretion, may appoint one or more conservators.

Selection

1752. In appointing a conservator, the court is to be guided by what appears to be for the best interests of the person to be placed under conservatorship In the petition or in a written instrument executed either before or after the petition is filed, such person may, if at the time of signing the same he has sufficient capacity to form an intelligent preference, nominate a conservator who shall be appointed as such by the court unless the court finds that the appointment of such nominee is not in the best interests of the person to be placed under conservatorship. When any such person lacks capacity to, or fails to, nominate a conservator, the court may appoint any qualified person subject to the order of priority established in this chapter.

Preference in selection

1753. The selection of a conservator of the person or property shall be solely in the discretion of the court. Of persons equally entitled in the opinion of the court to appointment as conservator of the person and property or person or property of another, preference is to be given as follows:

(1) To the nominee under Section 1752 of this code of the person to be placed under conservatorship; then

(2) To the spouse of a married person to be placed under conservatorship or the nominee of such spouse; then

(3) To an adult child of the person to be placed under conservatorship or the nominee of such child; then

(4) To a parent of the person to be placed under conservatorship or the nominee of such parent; then

(5) To a brother or sister of the person to be placed under conservatorship or the nominee of such brother or sister; then

(6) To any qualified person or corporation who upon appropriate petition to the court might be appointed guardian of an incompetent person or of his estate under this code.

The preference for any nominee to appointment under subparagraphs (3), (4), and (5) shall be subordinate to the

preference for any other parent, child, brother or sister in such class.

No person or corporation prohibited by law from serving as a guardian of the estate of an incompetent person may be appointed a conservator.

Verified petition

1754. Any person or any relative or friend of any person, other than a creditor of the proposed conservatee, may file a verified petition alleging that the appointment of a conservator is required. The petition shall set forth, so far as they are known to the petitioner, the names and residences of the spouse, if any, and of the relatives of the proposed conservatee within the second degree. Upon the filing of the petition, the clerk shall set the same for hearing by the court. Notice of the nature of the proceedings and of the time and place of the hearing on the petition shall be mailed by the petitioner to said spouse, if any, and to each of such relatives at least twenty (20) days before such hearing date. If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of the hearing. Said citation, and a copy of the petition, shall be personally served upon the proposed conservatee in the same manner as is provided by law for the service of summons, at least five (5) days before the time of the hearing if served within this State, otherwise at least ten (10) days before the time of the hearing. The proposed conservatee, if he is the petitioner, or if he is in the State at date of service and, if able to attend, must be produced at the hearing, and, if not able to attend by reason of physical or other inability, such inability must be established by the affidavit or certificate of a duly licensed medical practitioner. Whenever a notice to any officer or agency of this State or of the United States of America would be required upon a petition for the appointment of a guardian of an alleged incompetent person a like notice shall be given of a petition under this chapter. Any such officer or agency or any relative or friend of such person or the proposed conservatee may appear and oppose the petition.

Duration

1755. Every conservatorship shall continue until the authority of the conservator is terminated by the death of the conservator or by order of court, or, subject to the duty of the conservator to see to the custody and conservation of the estate pending the delivery thereof to the personal representative of the conservatee's estate, by the death of the conservatee. Any conservator, the conservatee, or any relative or friend of the conservatee may apply by verified petition to the superior court of the county in which the proceedings are pending to have the conservatorship terminated. Said petition shall state the facts alleged to establish that the conservatorship is

Hearing

no longer required. The petition shall be set for hearing and notice thereof given to the persons and in the same manner as is provided in this chapter for a petition for the appointment of a conservator. The conservator in such case, if he is not the

petitioner or has not joined in the petition, shall, if he is a resident of this State, be personally served with a notice of the time and place of the hearing accompanied by a copy of the petition at least five (5) days prior to the hearing. If the conservator is not a resident of this State or cannot be found therein after diligent search, the court may fix the manner of giving notice to him by mail, publication or otherwise as the court deems best or the court may dispense with such notice. The conservator or any relative or friend of the conservatee may appear and oppose the petition. The court shall hear and determine the matter without a jury according to the laws and procedure relating to the trial of civil actions. If the court finds that the conservatorship is no longer required, the conservatorship shall cease. The conservator may at said hearing, or thereafter on further notice and hearing, be discharged and his bond exonerated upon the settlement and approval of his final account by the court.

CHAPTER 3. OATH, BOND AND LETTERS

Oath

1801. A conservator shall be designated by that title. Before his appointment shall be effective, he must take an oath that he will perform the duties of his office according to law, which oath shall be filed in the proceedings. The appointment as conservator and the taking and filing of such oath shall thereafter be evidenced by the issuance by the clerk of the court of letters of conservatorship in substantially the same form as letters of administration.

Bond

1802. The court in the order appointing a conservator of the estate or of the person and estate of another may, in its discretion, in any case in which the proposed conservatee as petitioner has waived the filing of bond, dispense with the filing of bond. In all other cases the conservator of the estate or of the person and estate of another, before acting as such, must give a bond for the protection of the conservatee and of all persons interested in his estate, in an amount fixed by the court, which amount shall not exceed the bond required of a person appointed administrator. The court may reduce the bond required in this section in the manner provided in Section 541.1 of this code. Unless required by the court in its discretion, no bond shall be required of a conservator appointed only as conservator of the person of the conservatee Two or more conservators in one proceeding may give a joint bond.

Reduction of bond

1803. If a conservator desires to have the amount of his bond reduced, he may apply to the court for such relief by filing a verified petition setting forth the condition of the estate. The petition shall be set for hearing by the clerk and notice given in the manner required by Section 1200 of this code Upon the hearing of said petition, the court may reduce the amount of the bond to any amount or sum which in the discretion of the court may seem proper under the circum-

stances, subject, however, to the limitations of Section 1802 of this code, and said conservator may furnish new sureties, who may, but need not, be the same as the sureties on the previous bond, who shall qualify for such reduced amount.

1804. Personal assets of the conservatee may be deposited with a trust company, and the bond of the conservator reduced as provided by Section 1586 of the Financial Code.

Filing

1805. Every bond given by a conservator must be filed and preserved in the office of the clerk of the court, and in case of a breach of a condition thereof, may be sued upon for the use and benefit of the conservatee, or of any person interested in the estate.

Bond liability

1806. No action may be maintained against the sureties on a bond given by a conservator unless commenced not later than two years from the discharge of the conservator, or from the date the order surcharging the conservator becomes final, whichever is later; but if at the time of such discharge or of such order becoming final any person entitled to bring the action is under any legal disability to sue, such person may commence said action at any time within one year after his disability is removed.

CHAPTER 4. POWERS AND DUTIES

Conservatee's residence

1851. Every conservator of the person of a conservatee has the care, custody and control of the conservatee and may fix the residence of the conservatee at any place within this State, but not elsewhere without the permission of the court.

Powers

1852. Every conservator of the estate or of the person and estate of a conservatee shall have the powers granted to a guardian of the estate or of the person and estate of an incompetent in Chapters 7 and 8 of Division 4 of this code, and, if granted by the court, the additional powers authorized by Section 1853 of this code.

Additional powers

1853. On the application of the conservator, made at any time, which application may be included in a petition filed pursuant to Section 1754 of this code, the court may grant to a conservator of the estate or of the person and estate of a conservatee, the following additional powers, which may be exercised with or without notice, hearings, confirmation, or approval of the court:

To institute and maintain all actions and other proceedings for the benefit of and to defend all actions and other proceedings against the conservatee or the conservatorship estate; to take, collect and hold the property of the conservatee; to contract for the conservatorship and to perform outstanding contracts and thereby bind the conservatorship estate; to operate at the risk of the estate any business, farm or enterprise constituting an asset of the conservatorship, to grant and take options; to sell at public or private sale; to create by grant or otherwise easements and servitudes; to borrow money and give security for the repayment thereof; to purchase real

or personal property; to alter, improve and repair or raze, replace and rebuild conservatorship property; to let or lease property for any purpose including exploration for and removal of gas, oil and other minerals and natural resources and for any period, including a term commencing at a future time; to loan money on adequate security; to exchange conservatorship property; to sell on credit provided that any unpaid portion of the selling price shall be adequately secured; to vote in person or by proxy all shares and securities held by the conservator; to exercise stock rights and stock options; to participate in and become subject and to consent to the provisions of any voting trust and of any reorganization, consolidation, merger, dissolution, liquidation or other modification or adjustment affecting conservatorship property; to effect necessary insurance for the proper protection of the estate, to pay, collect, compromise, arbitrate or otherwise adjust any and all claims, debts or demands upon the conservatorship, including those for taxes; to abandon valueless property, and to employ attorneys, accountants, investment counsel, agents, depositaries and employees and to pay the expense therefor from the conservatorship estate.

Court's discretion

Said additional powers shall be in addition to the general powers of conservators. The granting of said additional powers shall be discretionary with the court. Notice of the hearing of the application therefor shall be given in the manner provided in Section 1200 of this code. When additional powers have been granted to a conservator, his letters shall state that he has the powers authorized in this section. The grant of additional powers to the conservator shall not affect the right of the conservator to petition the court as provided in Section 1860.

Withdrawal of power

1854. The court on its own motion or whenever it appears to it from a verified petition filed in the proceedings that it is for the best interests of the conservatee or of his estate so to do, may withdraw the additional powers previously granted pursuant to Section 1853 and issue new letters of conservatorship.

Maintenance and support

1855. The conservator shall, to the extent of the net estate available and as a prior charge thereon, provide for the maintenance and support of the conservatee and of those legally entitled to support and maintenance from the conservatee.

Surplus income

1856. On the application of the conservator or next of kin of a conservatee, the court may direct the conservator of the estate to pay and distribute surplus income, not used for the support and maintenance of the conservatee, or any part of such surplus income, to the next of kin whom the conservatee would, in the judgment of the court, have aided, but for the existence of the conservatorship. The granting of such allowance and the amounts and proportions thereof shall be discretionary with the court, but the court shall give consideration to the amount of surplus income available after due provision has been made for the proper support and maintenance of the

conservatee, to the circumstances and condition of life to which the conservatee and said next of kin have been accustomed and to the amount which the conservatee would in the judgment of the court have allowed said next of kin but for the existence of the conservatorship. Notice of the hearing of said application shall be given in the mode provided in Section 1200 of this code. When the conservatee is or has been, during the conservatorship, confined in a state hospital in this State, notice of hearing and copy of the petition must be given to the Director of Institutions at least 15 days before the hearing.

Third party obligee

1857. The court, upon petition of the conservator or of any party interested in the conservatorship, may for good cause order the conservatee to be either wholly or partially supported and maintained out of the conservatorship estate notwithstanding the existence of a third party legally obligated to provide such support and maintenance. Any such order may be made for a limited period of time; but if not so limited, shall continue in effect until modified or revoked by the court.

Debts, etc.

1858. The conservator shall pay from the estate of the conservatee with which the conservator is chargeable, all debts of, and claims and charges against, the conservatee or the conservatorship, and all expenses of the maintenance and support of the conservatee, and all expenses of the conservatorship. The conservator may advance funds for the benefit of the conservatee or of his estate and may reimburse himself for such advances out of the income and principal of the estate first available.

Refusal to act. Court order

1859. Whenever a conservator fails, neglects or refuses to furnish suitable support and maintenance for the conservatee; and also, whenever a conservator fails, neglects or refuses to pay a debt, expense or charge justly due and payable by the conservatee or by the conservatorship, the court after notice of hearing as provided in Section 1200 of this code, and hearing, may, upon the petition of the creditor, the conservatee or of any person interested in the estate, or upon its own motion, order the conservator to do so from the estate of the conservatee.

Court approval

1860. The court, upon petition of the conservator, creditor, or other interested party, after notice of the hearing on such petition has been given for the period and in the manner required by Section 1200 of this code, and after such hearing, may authorize and instruct the conservator or approve and confirm his acts in the management, disposition, care, protection, operation, or preservation of the conservatorship property or the incurring or payment of costs, fees or expenses, or in the care, maintenance, support and protection of the conservatee.

Personal use

1861. The court, upon petition of the conservator, after notice of the hearing on such petition has been given for the period and in the manner required by Section 1200 of this code, and after such hearing, may authorize the conservator

to pay to the conservatee out of the conservatorship estate a reasonable allowance for the personal use of the conservatee in such amount as the court may determine to be for the best interests of the conservatee. The conservator shall not be required to account for such allowance other than to establish that it has been paid to the conservatee, and the funds so paid to the conservatee shall be subject to the sole control of the conservatee.

CHAPTER 5. INVENTORY AND ACCOUNTING

Inventory

1901. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the conservator of the estate or person and estate of a conservatee must file with the clerk of the court an inventory and appraisement of the estate of the conservatee, made as of the date of the appointment of the conservator, together with a copy of the same, which copy shall be delivered by the clerk to the county assessor. The conservator must make oath to the inventory and the property therein described other than money must be appraised, by an inheritance tax appraiser designated by the court. Whenever any other property of the conservatee is discovered, or is inherited or acquired by the conservatee other than by the actions of the conservator in the investment and management of the estate, like proceedings must be had for the inventory and appraisement thereof as in the case of the original inventory.

Failure

1902. If a conservator neglects or refuses to file any inventory required by the provisions of this chapter, within the time prescribed, the court, on its own motion or on the petition of any party interested in the estate, upon notice, served upon him as provided or permitted by Section 1755, may revoke his letters, and he shall be liable on his bond for any injury to the estate or any person interested therein, arising from such failure.

Wrongful disposition

1903. Upon petition under oath made by the conservator, conservatee, creditor or other person interested in the estate, including persons having only an expectancy or prospective interest therein, that any person is suspected of having embezzled, concealed, smuggled or falsely or fraudulently obtained or wrongfully disposed of any property of the conservatee, or has in his possession or has knowledge of any instrument in writing belonging to the conservatee, or that such person asserts any claim against the conservatee or the estate, or that the estate asserts a claim against such person, the court may cite such person to appear before the court, and the court and the petitioner may examine him under oath upon the matters recited in the petition. If such person is not in the county where letters issued, the examination shall be made under this section but otherwise the procedure and the rights

and duties of the parties shall be governed by the provisions of Section 613 of this code.

Account

1904. At the expiration of one year from the time of his appointment, and thereafter not less frequently than biennially, unless otherwise ordered by the court, the conservator must present his account to the court for settlement and allowance. When an account is rendered by or on behalf of two or more joint conservators, the court, in its discretion, may settle and allow the same upon the verification of any of them.

1905. No account of the conservator of a conservatee who is or has been during the conservatorship confined in a state hospital in this State shall be settled or allowed unless notice of the time and place of hearing and a copy of the account have been mailed, postage prepaid, to the Department of Mental Hygiene at least fifteen (15) days before the hearing or unless the court for good cause dispenses with such notice. Unless such notice is so dispensed with, the statute of limitations shall not run against any claim of the Department of Mental Hygiene against the estate of the conservatee if the account is settled without giving the notice prescribed above.

1906. If the conservatee is no longer confined to a state hospital, and is not indebted to the State, the Attorney General, upon ascertaining the facts, shall file a certificate to that effect and the giving of further notices and accounts as required by Section 1905 shall not be required.

Termination

1907. The termination of the relationship of conservator and conservatee by the death of either or by the determination of the court that the conservatorship is no longer necessary shall not cause the court to lose jurisdiction of the proceeding for the purpose of settling the accounts of the conservator and for any other purpose incident to the enforcement of the judgments and orders of the court upon such accounts or upon the termination of the conservatorship. The account of a deceased conservator shall be presented by his executor or administrator. In the event the conservator absconds or dies and there is no executor or administrator appointed for his estate, the conservator's account may be rendered by his attorney in which case it need not be verified. A fee shall be allowed the attorney by the court for this extraordinary service.

Compensation

1908. Every conservator shall be allowed the amount of his reasonable expenses incurred in the execution of his trust, including the cost of any surety bond furnished and reasonable attorneys' fees, and shall have such compensation for his services as the court in which his accounts are settled deems just and reasonable. He shall also be allowed all reasonable disbursements made before his appointment, and (a) in the case of termination other than by the death of the conservatee, all reasonable disbursements made after the termination of the conservatorship but prior to his discharge by the court, and (b) in the case of termination by the death of the conservatee,

all reasonable expenses incurred prior to such discharge for the custody and conservation of the estate and the delivery thereof to the personal representative of the estate of the deceased conservatee.

1909. If, upon the settlement of any account, it appears that the estate of the conservatee has been entirely exhausted through expenditures or disbursements which are approved by the court, the court upon the settlement of the account, shall order the conservatorship of the estate terminated and the conservator of the estate forthwith discharged.

Conservatee's wages

1910. If the conservatee shall at any time during the continuance of the conservatorship be employed his wages or salary for such employment shall not be a part of the conservatorship estate and the conservator shall not be accountable therefor. Such wages and salaries shall be paid to the conservatee and shall be subject to his control to the same extent as if the conservatorship did not exist.

Chapter 6. Suspension, Removal and Resignation

Removal

1951. A conservator, however appointed, may be removed by the court, after notice and hearing as provided by Section 1755, for any of the following causes:

1. For waste or mismanagement of the estate, or abuse of his trust;

2. For failure to file an inventory or to render an account within the time allowed by law or by court order, or for continued failure to perform his duties;

3. For incapacity to perform his duties suitably;

4. For gross immorality or conviction of a felony;

5. For having an interest adverse to the faithful performance of his trust;

6. In the case of a conservator of an estate, for insolvency or bankruptcy; or

7. When the conservatorship is no longer required.

8. In any other case in which the court shall in its discretion deem such removal to be for the best interests of the conservatee.

Suspension

1952. The court, on its own motion or whenever it appears to it from a verified petition filed in the proceedings that the conservatee or his estate may suffer loss or injury during the time required for notice and hearing under Section 1951, may compel the conservator to surrender the estate of the conservatee to a custodian designated by the court and, pending notice and hearing, may suspend the powers of the conservator to such extent as the court deems necessary.

Resignation

1953. A conservator may resign his appointment at any time, by a writing filed with the court, to take effect upon the settlement of his accounts, when it appears proper to allow such resignation.

New appointment

1954. Upon the occurrence of any vacancy in the office of conservator the court may appoint another in his place, after notice and hearing as in the case of original appointment.

Joint conservators

1955. On the death of one of two or more joint conservators, the powers, subject to the provisions of this division, continue in the survivor or survivors.

1956. When two or more conservators have been appointed and one or more are absent from the State, or legally disqualified from serving, the court may, by order made with or without notice, authorize the other or others to act as to all matters embraced in its order.

CHAPTER 7. NOTICES AND PROCEDURE

Notice of hearing

2001. Whenever the applicable provisions of this Division 5 do not fix the notice to be given, and if any notice be required, then notice of hearing shall be given to the persons and proof thereof made in the mode provided in Section 1200 of this code; provided, however, that the court may dispense with notice or may require such further or additional notice to be given as the court deems proper.

Special notice

2002. At any time after the issuance of letters under this division, any relative or creditor of the conservatee or any other interested person or governmental agency, in person or by attorney, may serve upon the conservator or upon the latter's attorney, and file with the clerk of the court where the proceedings are pending with a written admission or proof of such service, a written request for special notice of the filing or commencing of any or all of the following:

1. Accounts of the conservator.

2. Proceedings for the removal, suspension, or discharge of the conservator or final termination of the conservatorship.

3. Petitions filed pursuant to Sections 1853 or 1860 of this code.

4. Applications for removal of the conservatee or his property to a foreign jurisdiction.

Contents

2003. A request for special notice shall be so entitled and shall set forth the name of the person and the address to which notices shall be sent. Any such request may be modified or withdrawn in the same manner as provided for the making of the initial request. Each request for special notice shall be deemed to be withdrawn at a date three (3) years from the date of service thereof. A new request may be served and filed at any time as provided in the case of an initial request.

2004. In any case in which a request for special notice has been filed, the moving party filing any such petitioner or account or commencing any such proceeding shall give written notice of the filing thereof together with the place and time set for the hearing thereon by mailing the same to the person at the address set forth in the request for special notice, or by personally serving the same upon such person, at least ten (10) days before the time set for the hearing.

Proof of mailing

2005. Proof of the mailing or of personal service of the notice must be made at the hearing and if it appears to the satisfaction of the court that said notice has been regularly given or that the party entitled thereto has waived the same, the court shall so find in its order and such order when it becomes final shall be conclusive upon all persons.

CHAPTER 8. JURISDICTION

Superior court

2051. Conservatorship proceedings for a resident of this State shall be instituted in the superior court in the county of the residence of the proposed conservatee. Such proceedings for a nonresident of this State shall be instituted in the superior court in the county in which he is temporarily living if he is in this State, or in the superior court in any county in this State in which he has property. After commencement, a conservatorship proceeding may be transferred to another county within this State or to the jurisdiction of the courts of another state as provided in this chapter.

Transfer proceedings

2052. The court in which the proceeding is pending may transfer the proceeding to the superior court of any other county, or to the appropriate court in any other state in which the conservatee resides at the time of the application for the transfer. To obtain such transfer the conservator shall file in the court in which the proceeding is pending a verified petition setting forth:

1. The court and jurisdiction to which it is sought to transfer the proceedings;

2. The residence address of the conservatee;

3. A brief description of the character, value and location of the property of the conservatee;

4. The reasons for the transfer;

5. The names and residence addresses, so far as they are known to the conservator, of the spouse and relatives of the conservatee within the second degree;

6. In the case of the transfer to another state, competent evidence that there is a duly appointed and acting guardian, conservator, committee or comparable fiduciary in such other state.

2053. Upon the filing of a petition to transfer, the clerk shall set the same for hearing and notice of such hearing shall be given as provided by Section 1200 of this code. In addition the petitioner shall cause written notice of such hearing and a copy of the petition to be mailed to all persons required to be listed in the petition at least ten (10) days before the date set for such hearing. Any such person or any creditor of the conservatee or of the estate, or the conservatee himself may appear and file written objections to the petition. If after a hearing, the court determines that the transfer requested in the petition will be for the best interests of the conservatee, it shall make an order transferring the proceeding to said

court. Thereupon the clerk must transmit to the clerk of the court to which the proceeding is transferred a certified or exemplified copy of the order together with all papers in the proceeding on file in his office. If the transfer is to a court of another state, the clerk, or at the court's direction the petitioner shall obtain the receipt for said papers from the clerk of the court to which the transfer is made as a condition to the delivery thereof.

2054. The clerk of the court from which the removal is made shall receive no fee therefor but shall be paid out of the estate all expenses incurred by him in the removal. Where the transfer is to a court in this State, the clerk of such court shall be entitled to such fees as are payable on the filing of a like original proceeding.

CHAPTER 9. APPEALS

Appeal

2101. An appeal may be taken to the Supreme Court from any judgment, order or decree authorized in this division, except from an order appointing a temporary conservator under Chapter 11 of this division.

2102. An appeal from any judgment, order or decree shall stay the operation and effect thereof, except that, for the purpose of preventing injury or loss to person or property, the trial court may direct the exercise of the powers of the conservator, or may appoint a temporary conservator to exercise such powers, from time to time, as though no appeal were pending, and all acts of the conservator or temporary conservator pursuant to such directions shall be valid, irrespective of the result of the appeal.

Final order, etc

2103. Any judgment, order or decree of court made pursuant to the provisions of this division, unless reversed on appeal taken under preceding Section 2101, shall be final and shall release the conservator and his sureties from all claims of the conservatee and of any persons affected thereby based upon any act directly authorized, approved or confirmed in the judgment, order or decree. This release shall not operate in favor of a conservator or a surety where the order was obtained by fraud, conspiracy or misrepresentation as to any material fact contained therein or in the petition for same.

CHAPTER 10. APPLICATION OF UNIFORM VETERAN'S GUARDIANSHIP ACT

2151. A conservator instead of a guardian may be appointed under the Uniform Veteran's Guardianship Act and in such case he shall have only the rights, powers, privileges and duties provided in, and he shall be in all respects, subject to Chapter 15 of Division 4 of this code. In such case the veteran shall be called a conservatee.

Chapter 11. Temporary Conservators

Temporary conservator

2201. On or after the filing of a petition for the appointment of a conservator, the court, with or without notice as the court or judge may require, upon a verified petition establishing good cause therefor, and filed by any person entitled under Section 1754 to apply for the appointment of a conservator, may appoint a temporary conservator of the person and estate or person or estate of any person (hereinafter called a conservatee) to serve pending the final determination of the court upon the petition for the appointment of a conservator under Chapter 2 of this division.

Letters

2202. Such temporary conservator shall be issued temporary letters of conservatorship upon posting bond as in the case of a conservator.

Powers

2203. A temporary conservator shall have only such power and authority and only such duties as are necessary to provide for the temporary care, maintenance and support of the conservatee and as may be necessary to conserve and protect the property of the conservatee from loss or injury; and such other powers and duties as may be ordered by the court in the order of appointment, or by subsequent order made with or without notice as the court or judge may require.

Inventory

2204. A temporary conservator of the estate or of the person and estate of a conservatee may inventory the estate of the conservatee in his final account, without the necessity for an appraisal thereof; provided, such final account is filed with the court within three months of the entry of the order of his appointment. In all other cases an inventory and appraisal of the estate shall be filed as is required by Chapter 5 of this division.

Account

2205. If the temporary conservator is appointed conservator he may account for his administration as temporary conservator in his first regular account In all other cases he must present his account to the court for settlement and allowance within 90 days from the appointment of a conservator or within such other time as the court or the judge may fix. Such accounts shall be subject to Sections 1905 through 1909 inclusive of this code.

Termination

2206. The appointment and qualification of a conservator terminates the powers of the temporary conservator except for the rendering of his account, unless by reason of an appeal therefrom or other cause the court appointing the conservator otherwise orders. If so ordered the court shall fix the time for the termination of the powers of the temporary conservator.

Suspension, etc

2207. Temporary conservators shall be subject to the provisions of this division governing suspension, removal, resignation and discharge of conservators.

CHAPTER 1903

An act to amend Sections 1394 and 2415 of and to add Section 2410.5 to the Labor Code, relating to labor conditions and, more particularly, to construction, maintenance, and operation of labor camps, and employment opportunities for minors, declaring the urgency of Section 3 thereof, which section is to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 2410.5 is added to the Labor Code, to read:

Limitation

2410.5. The provisions of this article are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this article; provided, any such alternate has been approved.

Approval of alternate

The enforcement agency may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this article in quality, strength, effectiveness, fire resistance, durability, safety and for the protection of life and health.

SEC. 2. Section 2415 of said code is amended to read:

Sleeping space

2415. (a) A clear space of at least 30 inches extending from the floor to the ceiling or roof of any sleeping place shall be allowed between each bed therein.

(b) In every sleeping place the ceiling height shall be at least an average of eight feet from finished floor to finished ceiling or to the roof if there is no ceiling.

(c) At least four feet of clear space shall be allowed between each set of double deck bunks having one tier above the other.

(d) There shall be not more than two tiers of beds, one above the other.

(e) The division shall require adequate standards of heating and ventilation.

SEC. 3. Section 1394 of said code is amended to read:

Application

1394. Nothing in this article or Article 2 of Chapter 2 of this part shall prohibit or prevent:

(a) The employment of minors 16 years of age or over in agricultural, horticultural, viticultural, or domestic labor for more than eight hours in one day or more than 48 hours in one week.

(b) The employment of any minor at agricultural, horticultural, viticultural, or domestic labor during the time the public schools are not in session, or during other than school hours, when the work performed is for or under the control

of his parent or guardian and is performed upon or in connection with premises owned, operated or controlled by the parent or guardian; but nothing herein shall permit children under school age to work at such occupations, while the public schools are in session.

(c) The employment of any minor by engineers engaged in survey work as part of a survey crew in the field.

SEC. 4. Section 3 of this act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Each year during the school summer recess thousands of boys seek wholesome outdoor employment. Creation of opportunities for such employment is an effective means of combating juvenile delinquency and of facilitating the efforts of minors to save money for their further education. The school recess for this year is at hand and immediate effectiveness of Section 3 of this act will enable students to take advantage this summer of opportunities for wholesome outdoor employment as members of survey teams.

CHAPTER 1904

An act to repeal Sections 1000 and 2006 and Chapter 2 (commencing at Section 2083) of Title 6, Part 4, and Article 3 (commencing at Section 2019), Article 4 (commencing at Section 2024) and Article 5 (commencing at Section 2031) of Chapter 3, Title 3, Part 4, and to amend Section 1986 of, and to add Article 3, comprising Sections 2016 to 2035, inclusive, to Chapter 3, Title 3, Part 4 of the Code of Civil Procedure, relating to depositions and discovery.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Sections 1000 and 2006 and Chapter 2 (commencing at Section 2083) of Title 6, Part 4 and Article 3 (commencing at Section 2019), Article 4 (commencing at Section 2024), Article 5 (commencing at Section 2031) of Chapter 3, Title 3, Part 4, of the Code of Civil Procedure are repealed. Repeals

SEC. 2. Section 1986 of said code is amended to read:

1986. 1. A subpena is issued as follows: To require attendance before a court, or at the trial of an issue therein, or upon the taking of a deposition in an action or proceeding pending therein, it is issued by the clerk of the court in which the action or proceeding is pending, under the seal of the court, or if there is no clerk or seal then by a judge or justice of such court; Subpena

2. To require attendance before a commissioner appointed to take testimony by a court of a foreign country, or of the United States, or of any other state in the United States, or before any officer or officers empowered by the laws of the United States to take testimony, it may be issued by the clerk of the superior court of the county in which the witness is to be examined, under the seal of such court;

3. To require attendance out of court, in cases not provided for in subdivision 1, before a judge, justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this State, it is issued by the judge, justice, or other officer before whom the attendance is required.

If the subpena is issued to require attendance before a court, or at the trial of an issue therein, it is issued by the clerk, as of course, upon the application of the party desiring it. If it is issued to require attendance before a commissioner or other officer upon the taking of a deposition, it must be issued, as of course, by the clerk of the superior court of the county wherein the attendance is required upon the application of the party requiring it.

SEC. 3. Article 3, comprising Sections 2016 to 2035, inclusive, is added to Chapter 3, Title 3, Part 4 of said code, to read:

Article 3. Depositions and Discovery

Deposition

2016. (a) Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. Such depositions may be taken in an action at any time after the service of the summons or the appearance of the defendant, and in a special proceeding after a question of fact has arisen therein. After commencement of the action, the deposition may be taken without leave of court, except that leave of court must be obtained if the notice of the taking of the deposition is served by the plaintiff within 20 days after service of the summons on, or appearance of, the defendant. The attendance of witnesses may be compelled by the use of subpena as provided in Chapter 2, Title 3, Part 4 of this code.

Scope of examination

(b) Unless otherwise ordered by the court as provided by subdivision (b) or (d) of Section 2019 of this code, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party, or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible

Privileges

evidence. All matters which are privileged against disclosure

upon the trial under the law of this State are privileged against disclosure through any discovery procedure. This article shall not be construed to change the law of this State with respect to the existence of any privilege, whether provided for by statute or judicial decision, nor shall it be construed to incorporate by reference any judicial decisions on privilege of any other jurisdiction.

Examination and cross-examination

(c) Examination and cross-examination of deponents may proceed as permitted at the trial under the provisions of this code.

Use

(d) At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party to the record of any civil action or proceeding or of a person for whose immediate benefit said action or proceeding is prosecuted or defended, or of anyone who at the time of taking the deposition was an officer, director, superintendent, member, agent, employee, or managing agent of any such party or person may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (i) that the witness is dead; or (ii) that the witness is at a greater distance than 100 miles from the place of trial or hearing, or is out of the State, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) Subject to the requirements of this section, a party may offer in evidence all or any part of a deposition, and if such party introduces only part of such deposition, any party may introduce any other parts.

Substitution of parties

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any state has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly

filed in the former action may be used in the latter as if originally taken therefor

Objection

(e) Subject to the provisions of subdivision (c) of Section 2021 of this code, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

Own witness

(f) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. Except where the deposition is used under the provisions of paragraph (2) of subdivision (d) of this section, the introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent, or for explaining or clarifying portions of the said deposition offered by an adverse party, makes the deponent the witness of the party introducing the deposition, as to the portions of the deposition introduced by said party. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by another party.

Perpetuation of own testimony

2017. (a) (1) A person who desires to perpetuate his own testimony or that of another person regarding any matter that may be cognizable in any court of this State may file a verified petition in the superior court in the county of the residence of any expected adverse party.

Contents

The petition shall be entitled in the name of the petitioner and shall show: (i) that the petitioner expects to be a party to an action cognizable in a court of this State but is presently unable to bring it or cause it to be brought, (ii) the subject matter of the expected action and his interest therein, (iii) the facts which he desires to establish by the proposed testimony and his reasons for desiring to perpetuate it, (iv) the names or a description of the persons he expects will be adverse parties and their addresses so far as known, and (v) the names and addresses of the persons to be examined and the substance of the testimony which he expects to elicit from each, and shall ask for an order authorizing the petitioner to take the depositions of the persons to be examined named in the petition, for the purpose of perpetuating their testimony.

Notice

(2) The petitioner shall thereafter serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will apply to the court, at a time and place named therein, for the order described in the petition. At least 20 days before the date of hearing the notice shall be served in the manner provided in this code for service of summons; but if such service cannot with due diligence be made upon any expected adverse party named in the petition, the court may make such order as is just for service by publication, and where any parties who have been duly served by publication have not appeared, the court shall appoint, for such persons,

an attorney who shall represent them, for all such purposes including cross-examination of the deponent. The court may make such order as is just, requiring petitioner to pay reasonable fees and expenses to an attorney so appointed.

(3) If the court is satisfied that the perpetuation of the testimony may prevent a failure or delay of justice, it shall make an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination and whether the depositions shall be taken upon oral examination or written interrogatories. The court may make such order as may be just, requiring the petitioner to furnish, at his expense, a copy of any such depositions to any expected adverse party, or for the payment to the deponent or to an expected adverse party of such taxable costs as would be allowable to a prevailing party after the trial of an action. The depositions may then be taken in accordance with the provisions of this code relating to depositions taken after the commencement of actions; and the court may make orders of the character provided for by Section 2019, subdivisions (b) and (d) and by Sections 2031, 2032, and 2034 of this code. Court order

(4) If a deposition to perpetuate testimony is taken under this section or if, although not so taken, it would be admissible in evidence in the court of the state in which it is taken, it may be used in any action involving the same subject matter subsequently brought in a court of this State, in accordance with the provisions of subdivision (d) of Section 2016 of this code.

(b) If an appeal has been taken from a judgment of any court of this State or before the taking of an appeal if the time therefor has not expired, the court in which the judgment was rendered may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings in that court. In such case the party who desires to perpetuate the testimony may make a motion in the court in which the judgment was rendered for leave to take the depositions, upon the same notice and service thereof as if the action was pending in the superior court. The motion shall show (1) the names and addresses of persons to be examined and the substance of the testimony which he expects to elicit from each; (2) the reasons for perpetuating their testimony. If the court finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice it may make an order allowing the depositions to be taken and may make orders of the character provided for by subdivisions (b) and (d) of Section 2019 and of Sections 2031, 2032, and 2034 of this code, and thereupon the depositions may be taken and used in the same manner and under the same conditions as are prescribed in this code for depositions taken in actions pending in the lower courts of this State. Appeal

(c) This rule does not limit the power of a court to entertain an action to perpetuate testimony.

Taking of depositions

2018. (a) Within this State, depositions shall be taken before any notary public or a judge or officer authorized to administer oaths or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

Foreign

(b) In a foreign state or country depositions shall be taken on notice before a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before a person appointed by the court in which the action is pending, or before a judge of a court of record in such country, or before anyone agreed to by the parties. A commission shall be issued for such depositions as provided for in Section 2024 of this code.

Limitations

(c) No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

Oral examination

2019. (a) (1) A party desiring to take the deposition of any person upon oral examination shall give notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. Such notice must be at least 10 days, adding also one day for every 100 miles of the distance of the place of examination from the residence of the person to whom the notice is given, except that on motion of any party upon whom the notice is served, the court may for cause shown enlarge or shorten the time. Service of such notice or motion may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010), of this code, and in the case of depositions of a party to the record of any civil action or proceeding or of a person for whose immediate benefit said action or proceeding is prosecuted or defended, or of any one who at the time of taking the deposition is an officer, director, or managing agent of any such party or person, the service of a subpena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney of such party or person.

Party stipulation

(2) If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

Default

(3) If an adverse party is in default for not appearing and answering within the time allowed by the law or the court, or if, in a special proceeding, some or all of the parties interested have not appeared, the court may authorize a deposition to be taken without the giving of any notice to, the party so in default or not appearing, or may provide that notice be given to him in such mode as to the court may seem proper.

(b) After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and upon notice and for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than stated in the notice, or that it shall not be taken except by allowing written interrogatories by one or more parties, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. Court discretion

(c) The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim. Oath

(d) At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the superior court in the county where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subdivision (b) of this section. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. In granting or refusing such order the court may impose upon either party or upon the witness the Bad faith, etc.

requirement to pay such costs or expenses as the court may deem reasonable.

Examination of deposition by witness

(e) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under subdivision (d) of Section 2021 of this code the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

Certification

(f) (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in a envelope indorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the court in which the action is pending or send it by registered mail to the clerk thereof for filing.

Copies

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

Notice of filing

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

Failure to proceed

(g) (1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

Written interrogatories

2020 (a) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition

is to be taken. Within 10 days thereafter a party so served may serve cross interrogatories upon the party proposing to take the deposition. Within 10 days thereafter the latter may serve redirect interrogatories upon a party who has served cross interrogatories. Within 10 days after being served with redirect interrogatories, a party may serve recross interrogatories upon the party proposing to take the deposition. No party may serve more than one set of interrogatories to be answered by the same person, except with leave of court obtained on motion after notice.

Copy of notice

(b) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by subdivisions (c), (d), and (f) of Section 2019 of this code, to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) When the deposition is filed the party taking it shall promptly give notice thereof to all other parties.

Oral examination

(d) After the service of interrogatories and prior to the taking of the testimony of the deponent, the court in which the action is pending, on motion promptly made by a party or a deponent, upon notice and good cause shown, may make any order specified in Section 2019 of this code which is appropriate and just or an order that the deposition shall not be taken before the officer designated in the notice or that it shall not be taken except by allowing oral examination by one or more parties.

Service

(e) Service of any interrogatories, notices, motions, or orders under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

Errors

2021. (a) All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice

Objection

(b) Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) (1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived

unless seasonable objection thereto is made at the taking of the deposition.

(3) Objections to the form of written interrogatories submitted under Section 2020 of this code are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within three days after service of the last interrogatories authorized.

(d) Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Sections 2019 and 2020 of this code are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

Witness out of State

2024. The deposition of a witness out of this State may be taken upon a commission issued from the court under the seal of the court, upon an order of the court, or a judge or a justice thereof, on the application of either party, upon five days' previous notice to the other. If the court is a justice court, the commission must have attached to it a certificate of the clerk of the superior court of the county in which such justice court is held, under the seal of such superior court, to the effect that the person issuing the same was an acting judge at the date of commission. If issued to any place within the United States, it may be directed to a person agreed upon by the parties, or if they do not agree, to any notary public, judge or commissioner selected by the court or judge or justice issuing it. If issued to any country out of the United States, it may be directed to a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or to a person appointed by the court in which the action is pending, or to a judge of a court of record in such country, or to any one agreed upon by the parties.

Motion for commission

2025. The party moving for the commission under the provisions of Section 2024 of this code must, unless it is waived by the other party, attach to the notice of the motion the interrogatories upon which he desires it to be taken. On the hearing of the motion, the other party must propose such cross-interrogatories as he may desire. If the parties do not agree as to the form of the interrogatories, the court must settle their form, but such agreement or settlement does not preclude either party, when the deposition is offered in evidence, from interposing any objection to any interrogatory which is available to him under the provisions of Sections 2016 and 2021 of this code. The settlement of interrogatories may be had at the time of the hearing of the motion, or at any other time which the court may appoint; but the moving party must, if he request it, be allowed two days within which to propose such redirect interrogatories as the cross-interrogatories proposed render proper. When agreed upon or settled, the interrogatories must be annexed to the commission.

Nonresident witness

2026. When a party shall desire to take the evidence of a nonresident witness, to be used in any cause pending in this State, the party desiring the same (or where notice shall have been given that a commission to take the testimony of a nonresident witness will be applied for, the opposite party, upon giving the other three days' notice in writing of his election so to do), may have a commission directed in the same manner as provided in Section 2024 of this code to take such evidence, interrogatories to be propounded to the witness orally; upon the taking of which each party may appear before the commissioner, in person or by attorney, and interrogate the witness.

Notice

The party desiring such testimony shall give to the other the following notice of the time and place of taking the same, to wit: 10 days, and one day in addition thereto (Sundays included) for every 300 miles' travel from the place of holding the court to the place where such deposition is to be taken.

The provisions of subdivision (g) of Section 2019 shall apply to depositions taken under this section.

Oath

2027. The commission must authorize the commissioner to administer an oath to the witness and to take his deposition in answer to the interrogatories, or when the examination is to be without interrogatories, in respect to the question in dispute, and to certify the deposition to the court, in a sealed envelope, directed to the clerk, if there be one, and if not, to the judge thereof, and forwarded to him by mail or other usual channel of conveyance.

Delaying trial

2028. A trial or other proceeding must not be postponed by reason of a commission not returned, except upon evidence, satisfactory to the court, that the testimony of the witness is necessary, and that the proper diligence has been used to obtain it.

2029. The provisions of Sections 2016, 2018, 2019, 2020, and 2021 of this code are applicable to depositions taken out of this State, except as otherwise specifically provided in Sections 2024 to 2028, inclusive, of this code.

Service of written interrogatories

2030. (a) Any party may serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any adverse party at any time after service of the summons or the appearance of such adverse party and without leave of court, except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall serve a copy of the answers on the party submitting the interrogatories

within 15 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. Within 10 days after service of interrogatories a party may serve written objections thereto together with a notice of hearing the objections at the earliest practicable time. Answers to interrogatories to which objection is made shall be deferred until the objections are determined. No party may serve more than one set of interrogatories to be answered by the same adverse party, except with leave of court obtained on motion after notice.

Subject matter

(b) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

Business records

(c) Where the answer to any interrogatory may be derived or ascertained from the business records of the party to whom such interrogatory is addressed or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, it shall be a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(d) Service of interrogatories under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

Documents, etc.

2031. (a) Upon motion of any party showing good cause therefor, and upon at least 10 days' notice to all other parties, and subject to the provisions of subdivision (b) of Section 2019 of this code, the court in which an action is pending may (1) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things, not privileged, which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by subdivision (b) of Section 2016 of this code and which are in his

possession, custody, or control; or (2) order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by subdivision (b) of Section 2016 of this code. The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

Service

(b) Service upon a party of any notice, motion or order made under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

Blood examination, etc

2032. (a) In an action in which the mental or physical condition or the blood relationship of a party, or of an agent or a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental or blood examination by a physician or to produce for such examination his agent or the person in his custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.

Report

(b) (1) If requested by the party against whom an order is made under subdivision (a) of this section or the person examined, the party causing the examination to be made shall deliver to him a copy of a detailed written report of the examining physician setting out his findings and conclusions, together with like reports of all earlier examinations of the same condition. After such request and delivery the party causing the examination to be made shall be entitled upon request to receive from the party or person examined a like report of any examination, previously or thereafter made, of the same condition. If the party or person examined refuses to deliver such report the court on motion and notice may make an order requiring delivery on such terms as are just, and if a physician fails or refuses to make such a report the court may exclude his testimony if offered at the trial.

Waiver of privilege

(2) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party against whom an order is made under subdivision (a) of this section or the person examined waives any privilege he may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same condition.

Service

(c) Service upon a party of any notice, motion or order made under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

Requested admission

2033. (a) After service of summons or the appearance of a party, any other party who has appeared in the action may serve upon such party who has been served or who has appeared a written request for the admission by the latter of the genuineness of any relevant documents described in the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within 10 days after such service of summons or appearance, leave of court, granted with or without notice, must be obtained. Copies of the documents shall be served with the request unless copies have already been furnished, and upon request the originals shall be made available for inspection. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof or within such shorter or longer time as the court may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a notice of hearing the objections at the earliest practicable time. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. The number of requests for admissions or of sets of requests for admissions to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom admissions are requested under this section.

Answer

Pending action only

(b) Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other action.

Service

(c) Service upon a party of any notice, motion, request or order under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

Refusal to answer

2034. (a) If a party or other deponent refuses to answer any question propounded upon examination during the taking of a deposition, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. In lieu of the precedures set forth in Sec-

tion 1991 of this code, such proponent, on reasonable notice to all persons affected thereby, may apply to the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer. Upon the refusal of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. If the motion is granted and if the court finds that the refusal was without substantial justification the court may require the refusing party or deponent and the party or attorney advising the refusal or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing party or witness the amount of the reasonable expenses incurred in opposing the motion, including reasonable attorney's fees.

Contempt

(b) (1) The court may punish as a contempt the refusal of any person to obey a subpena issued by that court to attend a deposition or to be sworn as a witness, in the manner provided in Section 1991 of this code or the refusal of any person to obey any order made by the court under Section 1991 of this code or subdivision (a) of this section.

Disobedience

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey an order made under subdivision (a) of this section or under Section 1991 of this code requiring him to answer designated questions, or if any party or an officer or managing agent of a party refuses to obey an order made under Section 2031 of this code, or an order made under Section 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

Orders

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(v) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

Denial, expenses of proof

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

Judgment by default

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person wilfully fails to appear before the officer who is to take his deposition, after being served with a proper notice, or if a party or an officer or managing agent of a party fails to serve answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party.

"Action"

2035. The word "action" as used in this article is to be construed, whenever it is necessary so to do, as including a special proceeding of a civil nature.

Operative date

SEC. 4. This act shall not become operative until January 1, 1958, and shall govern proceedings in actions brought on or after said date and also further proceedings in actions pending on said date.

CHAPTER 1905

An act to amend Section 28122 of the Government Code and Section 422 of the Education Code, relating to compensation for public services in counties of the twenty-second class.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28122 of the Government Code is amended to read:

28122. In a county of the twenty-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, eleven thousand five hundred dollars ($11,500) a year.

(b) The district attorney, thirteen thousand seven hundred fifty dollars ($13,750) a year.

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, four hundred dollars ($400) a month and eight cents ($0.08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars ($50) for each in any one year.

(d) Grand and trial jurors, five dollars ($5) per day.

SEC. 2. Section 422 of the Education Code is amended to read:

422. The annual salary of the county superintendent of schools of a county of the twenty-second class is thirteen thousand dollars ($13.000), and he shall possess a valid elementary and secondary administrative credential issued by the State Board of Education.

CHAPTER 1906

An act to add Section 6110 to the Public Resources Code, relating to the State Lands Commission.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6110 is added to the Public Resources Code, to read:

6110. The State Lands Commission may, by resolution, designate an officer or employee of the commission to conduct

the public hearings which the commission is required to hold under Sections 126 and 11425 of the Government Code, or any other state law.

The designated officer or employee shall act in the commission's place and stead and the hearings shall be conducted to all intents and purposes as though the commission were actually present. The designated officer or employee shall have no power to adopt, amend, or repeal any rule or regulation of the commission or to make any final determination in the name of the commission. The designated officer or employee shall make a written report to the commission of all relevant matters presented at such hearings and shall transmit to the commission any statements, arguments, or contentions in writing which may be presented.

The commission shall not make any finding or declaration nor adopt, amend, or repeal any regulation which has been considered at a public hearing conducted by a designated officer or employee of the commission until the commission has considered at a public meeting the written report of the officer or employee and any statements, arguments, or contentions in writing which may have been presented at the hearing conducted by such officer or employee, together with any statements, arguments, or contentions which may be presented at the public meeting of the commission.

CHAPTER 1907

An act to add Section 103.7 to the Welfare and Institutions Code, relating to aid to the aged.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 103.7 is added to the Welfare and Institutions Code, to read:

103.7. When a recipient of public assistance for which state grants-in-aid are made to the counties is absent from the United States for a period in excess of 30 days, his aid shall thereafter be suspended wherever need cannot be determined for the ensuing period of his absence from the United States. No person shall be considered absent from the United States in accordance with this section if he is residing in any of the states, territories, possessions or other districts eligible to receive grants-in-aid from the Federal Government under the Social Security Act.

CHAPTER 1908

An act to amend Section 1329 of the Penal Code, Sections 68093, 68094, 68095 and 68096 of the Government Code, Section 108.5 of the Business and Professions Code, and Section 12975.5 of the Insurance Code, relating to witness fees.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1329 of the Penal Code is amended to read:

1329. When a person attends before a magistrate, grand jury, or court, as a witness in a criminal case, whether upon a subpena or in pursuance of an undertaking, or voluntarily, the court, at its discretion, if the attendance of the witness be upon a trial may by an order upon its minutes, or in any criminal proceeding, by a written order, direct the county auditor to draw his warrant upon the county treasurer in favor of such witness for witness' fees at the rate of four dollars ($4) for each day's actual attendance and for a reasonable sum to be specified in the order for the necessary expenses of such witness. The court, in its discretion, may make an allowance under this section, or under Chapter 1 (commencing at Section 68070), Title 8, of the Government Code, as it may deem appropriate. The allowances are county charges. Witness' fees

SEC. 2. Section 68093 of the Government Code is amended to read:

68093. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend upon the superior court, are four dollars ($4) a day and mileage actually traveled, one way only, fifteen cents ($0.15) a mile. In criminal cases such per diem and mileage are discretionary and shall only be allowed upon a showing that the allowances are necessary for the expenses of the witness in attending. The court may disallow any fees to a witness unnecessarily subpenaed. Superior court

SEC. 3. Section 68094 of said code is amended to read:

68094. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend before a grand jury, are four dollars ($4) a day and mileage for each mile actually traveled in attendance as such witness, one way only, fifteen cents ($0.15). Such per diem and mileage are discretionary and shall only be allowed upon a showing that the allowances are necessary for the expenses of the witness in attending. The court may disallow any fees to a witness unnecessarily subpenaed. Grand jury

SEC. 4. Section 68095 of said code is amended to read:

68095. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to Coroner's jury

attend, or if the witness attends voluntarily and is called to testify, before a coroner's jury, are four dollars ($4) a day and mileage for each mile actually traveled in attendance as a witness, one way only, fifteen cents ($0.15). Such per diem and mileage shall be a county charge.

SEC. 5. Section 68096 of said code is amended to read:

Justice court

68096. Except as otherwise provided by law, witness' fees for each day's attendance upon a justice court, when legally required to attend, are four dollars ($4) a day and mileage for each mile actually traveled, in going only, fifteen cents ($0.15). In criminal cases such per diem and mileage shall be a county charge, shall be discretionary with the court, and shall only be allowed upon a showing that the allowances are necessary for the expenses of the witness in attending. The court may disallow any fees to a witness unnecessarily subpenaed.

SEC. 6. Section 108.5 of the Business and Professions Code is amended to read:

Board hearings, etc

108.5. In any investigation, proceeding or hearing which any board, commission or officer in the department is empowered to institute, conduct, or hold, any witness appearing at such investigation, proceeding or hearing whether upon a subpena or voluntarily, may be paid the sum of four dollars ($4) per day for every day in actual attendance at such investigation, proceeding or hearing and for his actual, necessary and reasonable expenses and such sums shall be a legal charge against the funds of the respective board, commission or officer; provided further, that no witness appearing other than at the instance of the board, commission or officer may be compensated out of such funds.

The board, commission or officer will determine the sums due any such witness and enter the amount on its minutes.

SEC. 7. Section 12975.5 of the Insurance Code is amended to read:

Insurance fund

12975 5. The commissioner may in any investigation or hearing conducted by him take or cause to be taken the deposition of any witness residing within or without this State and may pay the expense thereof out of the Insurance Fund. He may pay out of the Insurance Fund to any witness subpenaed by him the necessary and reasonable traveling expenses of any such witness, to the place of hearing or investigation and return and a per diem of four dollars ($4) for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpena. 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, such proceedings to be governed solely by said chapter.

CHAPTER 1909

An act to add Section 729.6 to the Welfare and Institutions Code, relating to the detention of minors.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 729.6 is added to the Welfare and Institutions Code, to read:

729.6. Whenever any provision of law provides that a probation officer or peace officer may take a minor accused of crime into his custody, such law shall be construed to authorize the officer to take such minor to, and detain him in, the juvenile hall or other juvenile facility of the county, unless otherwise ordered by the court, until he is released on bail, or his case is otherwise disposed of according to law.

CHAPTER 1910

An act to provide for the establishment and maintenance of a trail originating near Napa and extending to the vicinity of the Town of Clearlake Oaks, along the northerly shore of Clear Lake in Lake County and proceeding to a junction with the California State Riding and Hiking Trail in Siskiyou County, pursuant to the provisions of Article 6 (commencing with Section 5070), Chapter 1 of Division 5 of the Public Resources Code, relating to riding and hiking trails.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. The Division of Beaches and Parks is hereby authorized to establish and maintain, in accordance with the provisions of Article 6 (commencing with Section 5070), Chapter 1 of Division 5 of the Public Resources Code, relating to California riding and hiking trails, a trail pursuing an approximate course as follows:

Beginning at the vicinity of the Town of Clearlake Oaks, Lake County; thence to the vicinity of Bartlett Springs; thence extending northerly on the easterly slope of the Coast Range to the vicinity of Stonyford, Elk Creek and Paskenta; thence extending northerly towards the Trinity Primitive Area and ending at the junction with the California State Riding and Hiking Trail in Siskiyou County.

CHAPTER 1911

An act to amend Sections 302, 309, 319, 320, 331, 337, 345, 360, 361, 375, 379, 398, 454, 459, 461, 462, 464, 467, 472, 474, 482, 490, 505, 527, and 553, and to repeal Section 546 of the Streets and Highways Code, relating to state highway routes.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 302 of the Streets and Highways Code is amended to read:

Route 2

302. Route 2 is from:

(a) The junction of Route 56 (Funston Approach) and the approach to the Golden Gate Bridge in the Presidio of San Francisco to the international boundary line near Tia Juana via San Diego and National City.

(b) Orcutt to Route 2 north of Santa Maria.

(c) Harriston to Route 2 near Los Alamos.

SEC. 2. Section 309 of said code is amended to read:

Route 9

309. Route 9 is from:

(a) Route 79 near Saticoy to Route 4 near San Fernando.

(b) Near San Fernando to San Bernardino.

SEC. 3. Section 319 of said code is amended to read:

Route 19

319. Route 19 is from:

(a) Route 9 west of Claremont to Beaumont via Riverside.

(b) Pomona to Route 2 near Santa Ana.

SEC. 4. Section 320 of said code is amended to read:

Route 20

320. Route 20 is from Route 1 near Arcata to Lassen National Park via Weaverville and Redding.

SEC. 5. Section 331 of said code is amended to read:

Route 31

331. Route 31 is from San Bernardino to the Nevada state line near Calada, via Barstow.

SEC. 6. Section 337 of said code is amended to read:

Route 37

337. Route 37 is from Auburn to Route 38 via Emigrant Gap.

SEC. 7. Section 345 of said code is amended to read:

Route 45

345. Route 45 is from Route 3 near Biggs to Route 7 near Willows.

SEC. 8. Section 360 of said code is amended to read:

Route 60

360 Route 60 is from Route 2 near El Rio to Route 2 south of San Juan Capistrano.

SEC. 9. Section 361 of said code is amended to read:

Route 61

361. Route 61 is from Route 162 near Avenue 36 in Los Angeles to Route 59 via Glendale and Wrightwood.

SEC. 10. Section 375 of said code is amended to read:

Route 75

375. Route 75 is from:

(a) Oakland to Route 4 near Stockton via Walnut Creek and Antioch.

(b) Route (a) above, north of Walnut Creek to a connection with Route 74 near Benicia.

(c) Route 4 near Stockton via Copperopolis to Route 65 near Altaville.

SEC. 11. Section 379 of said code is amended to read:

379. Route 79 is from Route 2 near Ventura to Route 23 near Solamint. Route 79

SEC. 12. Section 398 of said code is amended to read:

398. Route 98 is from Route 4 in Sacramento to Route 3 near North Sacramento. Route 98

SEC. 13. Section 454 of said code is amended to read:

454. Route 154 is from Route 60 near El Rio to Route 9 near Saticoy. Route 154

SEC. 14. Section 459 of said code is amended to read:

459. Route 159 is from Route 2 near Riverside Drive to Route 4 near Tujunga Wash. Route 159

SEC. 15. Section 461 of said code is amended to read:

461. Route 161 is from: Route 161

(a) Route 205 near Elysian Park in Los Angeles to a connection with Route 4 near Glendale.

(b) Route 4 near Glendale to Route 2 near Riverside Drive.

(c) Route 4 near Glendale to Route 9 near Monrovia.

SEC. 16. Section 462 of said code is amended to read:

462. Route 162 is from Route 60 near Santa Monica to Route 61 near Avenue 36. Route 162

SEC. 17. Section 464 of said code is amended to read:

464. Route 164 is from Route 60 near Torrance to Route 158 near Culver City. Route 164

SEC. 18. Section 472 of said code is amended to read:

472. Route 172 is from Route 2 in Los Angeles to Route 19. Route 172

SEC. 18.5. Section 474 of said code is amended to read:

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

SEC. 19. Section 482 of said code is amended to read:

482. Route 182 is from Route 43 near Orange to Orange County Park. Route 182

SEC. 20. Section 490 of said code is amended to read:

490. Route 190 is from: Route 190

(a) Route 9 near San Dimas to Route 26 near Redlands.

(b) Route 26 near Redlands to Route 43 near Big Bear Lake via Barton Flats.

SEC. 21. Section 505 of said code is amended to read:

505. Route 205 is from Route 165 near Los Angeles River in Los Angeles to Route 161 in Pasadena. Route 205

SEC. 22. Section 527 of said code is amended to read:

527. Route 227 is from Route 75 near Lake Temescal in Oakland to Route 5. Route 227

SEC. 23. Section 553 of said code is amended to read:

553. Route 235 is from: Route 235

(a) A connection with Route 69 near 42d Avenue to a connection with Route 5 near High Street in Oakland.

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

Repeal

SEC. 25. Section 546 of said code is repealed.

SEC. 26. Section 467 of said code is amended to read:

Route 167

467. Route 167 is from Route 165 in San Pedro to Huntington Drive via Long Beach.

CHAPTER 1912

An act to add Article 6 to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, relating to purchases of supplies and equipment.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Article 6 is added to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 6. Purchases of Supplies and Equipment by Local Agencies

"Local agency"

54201. As used in this article, the term "local agency" means every city, county, city and county, district, or any other local governmental body or corporation empowered to expend public funds for the acquisition of property.

Procedures

54202. Every local agency shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency. Purchases of supplies and equipment by the local agency shall be in accordance with said duly adopted policies and in accordance with all provisions of law governing same. No policy, procedure, or regulation shall be adopted which is inconsistent or in conflict with statute.

Ordinance

54203 If the local agency is a city, a county, or a city and county, the policies provided for in Section 54202 shall be adopted by ordinance in the manner provided by law or by charter, as the case may be.

Regulation

54204. If the local agency is other than a city, county, or city and county, the policies provided for in Section 54202 shall be adopted by means of a written rule or regulation, copies of which shall be available for public distribution.

CHAPTER 1913

An act to amend Sections 7102.1 and 7102.2 of the Education Code, relating to the education of mentally retarded minors.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7102.1 of the Education Code is amended to read:

Maximum allowance

7102.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education, including transportation, to the school district, of educating mentally retarded minors who come within the provisions of Section 9801.1 during the preceding fiscal year in special schools or classes but not in excess of two hundred dollars ($200) per unit of average daily attendance of such minors.

SEC. 2. Section 7102.2 of said code is amended to read:

7102.2. 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, including transportation, to the county superintendent of schools of educating mentally retarded minors coming within the provisions of Section 9801.1, during the preceding fiscal year in special schools or classes but not in excess of two hundred dollars ($200) per unit of average daily attendance of such minors.

CHAPTER 1914

An act to amend Section 693 of the Code of Civil Procedure, relating to the penalty attached to the selling of real property without notice.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 693 of the Code of Civil Procedure is amended to read:

693. An officer selling without the notice prescribed by the last section forfeits one hundred dollars ($100) to the aggrieved party, in addition to his actual damages; and a person wilfully taking down or defacing the notice posted, if done before the sale or the satisfaction of judgment (if the judgment be satisfied before sale), forfeits five hundred dollars ($500).

CHAPTER 1915

An act to add Chapter 6 to Part 1 of Division 6 of the Welfare and Institutions Code, relating to firearms in the possession of mental patients.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Chapter 6 is added to Part 1 of Division 6 of the Welfare and Institutions Code to read:

CHAPTER 6. FIREARMS

Mental patient

5670. No person who is a mental patient in any hospital or institution or on parole from any hospital or institution shall own or have in his possession or under his custody or control any firearms whatsoever.

Penalty

5671. Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm to any person who is a mental patient in any hospital or institution or on parole from any hospital or institution, shall be punishable by imprisonment in a county jail not exceeding one year or by fine not exceeding five hundred dollars ($500), or by both fine and imprisonment.

Confiscation

5672. Whenever a person who has been detained or apprehended for examination of his mental condition, or who is a mental patient in any hospital or institution or who is on parole from such hospital or institution, is found to own, have in his possession or under his control, any firearm whatsoever, said firearm shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of said firearm until the release without commitment of the person or the restoration to capacity of the person, or until the appointment of a guardian for the person, or shall make such other disposition of the firearm as ordered by the court.

CHAPTER 1916

An act to add Article 3.5 (commencing with Section 1300) to Chapter 3, Part 3, Division 4 of the Fish and Game Code, and to add Chapter 9 (commencing with Section 4750) to Part 3, Division 4 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to hunting bear.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Article 3.5 is added to Chapter 3, Part 3, Division 4 of the Fish and Game Code, to read:

Article 3.5. Bear

License tag

1300. 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 article.

1300.1. The department shall determine the form of, and prepare, bear license tags and applications therefor.

Resident tags

1300.2. 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 bear that may legally be taken by one person during the current license year.

Nonresident tags

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 license tags corresponding to the number of bear that may legally be taken by one person during the current license year.

Validity

1300.3. 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.

Issuance

1300.4. License tags shall be issued, sold, and accounted for in the same manner as hunting licenses, and the same compensation is payable for the sale thereof.

Illegal possession

1300.5. It is unlawful for any person to have in his possession at any time, while hunting, any bear license tags other than those legally issued to him.

Attaching tag

1300.6. 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 commission. Possession of any untagged bear shall be a violation of this section.

Lost, etc., tags

1300.7. When a license tag has been lost or destroyed, a new tag shall be issued to the original holder upon payment of the fee prescribed in this article for license tags, and the furnishing of an affidavit by the holder indicating such loss or destruction.

Defacing, etc.

1300.8. It is unlawful to alter, mutilate, or deface any license tag or the entries thereon to evade provisions of this article.

Transfer

1300.9. It is unlawful for any person to transfer a license tag or to use a license tag not issued to him.

Violation

1301. Any person who violates any provision of this article shall forfeit his license tags, and no new license tags may be issued to said person during the then current license year for hunting licenses.

Countersignature

1301.1. 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 desig-

nated 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.

Dogs

1301.2. Except as herein provided 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 section 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 section 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.

Head

1301.3. 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.

Selling of meat

1301.4. 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.

Skin, etc

1301.5. The skin or hide of any bear lawfully taken and possessed for the period provided under Section 1301.3, may be sold, purchased, tanned, or manufactured into articles for sale. Notwithstanding the provisions of Section 1301.3, 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 1301.3.

Foreign bear

1301.6. The provisions of this article relating to the possession of bear apply to bear taken outside this State and transported into this State.

Possession

1301.7. Bear legally taken may be possessed at any time during which bear may be taken in any district and for 15 days thereafter.

Bear or bear meat

1301.8. It is unlawful to possess bear or bear meat except during the open season and 15 days following the last day when bear may be legally taken in any district except as otherwise provided in this code, or bear meat marked pursuant to

rules and regulations established by the commission. The commission shall make such rules and regulations and may charge and collect a fee for marking bear meat not to exceed one dollar ($1) per bear carcass.

1301.9. The provisions of this article 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. Exception

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. 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 3.5 (commencing with Section 1300) of Chapter 3, Part 3, Division 4 of the Fish and Game Code adopted in 1933 is repealed. Effect Stats. 1957, Ch. 456

CHAPTER 1917

An act to amend Sections 793, 828.1, 829.1, and 840 of the Agricultural Code, relating to agricultural containers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. Section 793 of the Agricultural Code is amended to read:

793. Strawberries, red and black cap raspberries, and blackberries, including the hybrid derivatives thereof, shall be mature but not overripe, free from insect injury which has penetrated or damaged the flesh, and from mold, decay, and damage due to sun, frost, bruises, disease, or other causes. Strawberries, etc

Not more than 10 percent, by weight, of the berries 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.

Any strawberry which has two-thirds of the surface showing a pink or red color, shall be considered mature.

All strawberries shall be in the dry pint basket, containing an interior capacity of approximately 33.6 cubic inches or in the dry quart basket, containing an interior capacity of approximately 67.2 cubic inches. All other berries shall be in the dry pint basket or in the dry one-half pint basket containing an interior capacity of approximately 16.8 cubic inches.

SEC. 2. Section 828.1 of said code is amended to read:

828.1. 1. Standard basket, approximately 8 inches square on top, 6½ inches square on bottom and 4 inches deep, inside measurements. Standard basket

1A. Standard basket, approximately $5\frac{3}{4}$ inches in width, and $11\frac{1}{4}$ inches in length on top; $5\frac{3}{8}$ inches in width, and $10\frac{1}{2}$ inches in length on the bottom; and $3\frac{5}{16}$ inches in depth, all inside measurements.

1B. Standard basket, approximately $5\frac{1}{4}$ inches square on top, $4\frac{1}{4}$ inches square on bottom and $3\frac{3}{4}$ inches deep, inside measurements.

1C. Standard basket, approximately 8 inches square on top, $6\frac{1}{2}$ inches square on bottom and 5 inches deep, inside measurements.

Climax baskets

2. Standard four-quart climax basket with following dimensions: Length of bottom piece, 12 inches; width of bottom piece, $4\frac{1}{2}$ inches; thickness of bottom piece, $\frac{3}{8}$ of an inch; height of basket, $4\frac{11}{16}$ inches, outside measurements; top of basket, length 14 inches, width $6\frac{1}{4}$ inches, outside measurements. Basket to have cover $6\frac{1}{4}$ inches by 14 inches, when cover is used.

Berry basket

3. Standard berry basket: (a) Dry pint containing an interior capacity of approximately $33\frac{6}{10}$ cubic inches. (b) Dry one-half pint containing an interior capacity of approximately $16\frac{8}{10}$ cubic inches. (c) Dry quart containing an interior capacity of approximately 67.2 cubic inches.

SEC. 3. Section 829.1 of said code is amended to read:

Fresh apricots

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

Berries

2. Strawberries, numbers 3A or 3C.

3. Red and black cap raspberries, blackberries, dewberries and loganberries, numbers 3A or 3B.

Cherries

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

Oranges, lemons, etc.

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.

SEC. 4. Section 840 of said code is amended to read:

840. When used in this chapter:

Definitions

(a) "Container" means any box, crate, chest, carton, barrel, keg or any other receptacle containing honey.

(b) "Subcontainer" means any "section box" or other receptacle used within a container.

(c) "Clean and sound containers" means containers which are virtually free from rust, stains or leaks.

(d) "Section box" means the wood or other frame in which bees have built a small comb of honey.

(e) "Pack," or "packing" or "packed," means the arrangement of all or a part of the subcontainers in any container.

(f) "Deceptive pack" means any container or subcontainer of honey which has, in any exposed surface, honey or honeycomb, so superior in quality, appearance, condition or in any other respect to that in the interior of the container or subcontainer, or the unexposed portion, as to materially misrepresent the contents. The pack shall be considered deceptive even though the honey in a container is virtually uniform in quality as defined in this chapter, when the outer or exposed surface is composed of honey which is not an accurate repre-

sentation of the variation in quality of the honey in the entire container. Any pack shall be considered deceptive which is "slack-filled" unless the container is so marked, even though such containers are marked with the proper net weight of the honey contained therein.

(g) "Slack-filled" means that the contents of any container occupy less than 85 percent of the volume of the closed container.

(h) "Deceptive arrangement" or "deceptive display" means any lot or load, arrangement or display of honey which has in any exposed surface, honey which is so superior in quality, appearance or condition, or in any other respects, to any of that which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement or display.

(i) "Mislabeled" means the placing or presence of any false or misleading statement, design or device upon, or in connection with, any container or lot of honey, or upon the label, lining, or wrapper of any such container, or any placard used in connection therewith, and having reference to such honey. A statement, design or device is false and misleading, when the honey to which it apparently or actually refers does not conform in every respect to such statement.

(j) "Placard" is any sign, label, or designation, other than an oral designation, used in connection with any honey as a description or identification thereof.

(k) "Honey" means the nectar of floral exudations of plants gathered and stored in the comb by honey bees (apis mellifica). It is a laevo-rotatory, contains not more than twenty (20) percent of water, not more than twenty-five (25) one hundredths of one percent of ash, not more than eight (8) percent of sucrose, its specific gravity is not less than 1.412, its weight not less than eleven (11) pounds, twelve (12) ounces per standard gallon of 231 cubic inches at sixty-eight (68) degrees Fahrenheit.

(*l*) "Comb honey" means honey in the comb.

(m) "Adulterated honey" shall mean any honey to which has been added honeydew, glucose, dextrose, molasses, sugar, sugar sirup, invert sugar, or any other similar product or products, other than the nectar of floral exudations of plants gathered and stored in the comb by honey bees.

(n) "Extracted honey" means honey which has been removed from the comb.

(o) "Crystallized honey" means honey which has assumed a solid form due to the crystallization of one or more of the natural sugars therein.

(p) "Honeydew" means (1) the saccharine exudation of plants or insects, other than nectareous exudations, gathered and stored in the comb by honey bees (apis mellifica) and (2) it is dextro-rotatory.

(q) "Foreign material" means pollen, wax particles, insects or other materials not deposited by bees.

(r) "Foreign honey" means any honey not produced within the State of California.

(s) "Agent" includes broker, commission merchant, auctioneer, solicitor, seller on consignment, and any other person acting upon the actual or implied authority of another.

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 to properly market and avoid waste and deterioration of this season's crop of strawberries and to properly market honey now on hand it is necessary that this act take effect immediately.

CHAPTER 1918

An act to amend Sections 25350, 25363, and 25536 of the Government Code, relating to the acquisition, management, and disposition of property by counties.

In effect September 11, 1957

[Approved by Governor July 6, 1957 Filed with Secretary of State July 10, 1957]

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

SECTION 1. Section 25350 of the Government Code is amended to read:

Notice of intention

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.

Nothing contained in this section shall be deemed to preclude the settlement of an action in eminent domain without compliance with this section.

SEC. 1.5. Section 25363 of said code is amended to read:

Public sale

25363. The board of supervisors may sell at public auction, and convey to the highest bidder, for cash, any property belonging to the county not required for public use. The sale may be made at the courthouse door or at such other place within the county as the board orders by a four-fifths vote. Notice of the sale shall be given for five days prior thereto either by publication in a newspaper published in the county or by posting in three public places in the county. The proceeds shall be paid into the county treasury for the use of the

county. If in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars ($75) or if it is the product of the county farm, it may be sold at private sale without advertising by any member of the board authorized by a majority vote of the board. The sale shall be reported to and confirmed by the board This section does not apply to the furnishing of goods to special districts. Private sale

SEC. 2. Section 25536 of said code is amended to read:

25536. Nothing in this article shall prevent the board of supervisors of a county from acquiring, leasing or subleasing property pursuant to Section 1261 of the Military and Veterans Code, or from, by a four-fifths vote of the board, entering into concession or managerial contracts involving leasing or subleasing all or any part of county-owned, leased or managed property devoted to use for airport, vehicle parking, fairground, beach, park, amusement or recreation purposes without compliance with this article. Limitation

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CHAPTER 1919

An act to add Section 11422.1 to the Government Code, relating to emergency regulations of state agencies.

[Approved by Governor July 6, 1957 Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 11422.1 is added to the Government Code, to read:

11422.1. No regulation adopted as an emergency shall remain in effect more than 120 days unless the adopting agency has complied with Sections 11423, 11424, and 11425, prior to the adoption of the emergency regulation, or has, within said 120-day period, given notice of the adoption of the emergency regulation in a manner substantially similar to that required for the proposed adoption of a regulation and has afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that required by Section 11425. The agency shall, prior to the expiration of the 120-day period, transmit to the department for filing with the Secretary of State, a certification that either Sections 11423, 11424, and 11425 were complied with prior to adoption, or that compliance was had with this section within the said period. Failure to so certify shall constitute a repeal of the emergency regulation. Duration

CHAPTER 1920

An act to amend Section 44.8 of the Vehicle Code and repeal Section 8.5 of the Civil Defense Act of 1950 (Chapter 3 of the Statutes of the Third Extraordinary Session of 1950), relating to civil defense and disaster relief and preparedness.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 44.8 of the Vehicle Code is amended to read:

Emergency vehicles

44.8. Authorized Emergency Vehicles Owned by State Officers or Employees. A motor vehicle owned by the State or owned by a state officer or employee, when authorized by the Commissioner of the California Highway Patrol, after certification by the head of the department, if the motor vehicle is assigned to his department, or by the Director of the California Disaster Office, if the motor vehicle is assigned to the California Disaster Office, and when used in the performance of duties imposed upon a state officer or employee by the Civil Defense Act of 1950 and the California Disaster Act, is an authorized emergency vehicle.

Repeal

SEC. 2. Section 8.5 of the Civil Defense Act of 1950 is repealed.

CHAPTER 1921

An act to amend Sections 1509.6 and 1591 of the Military and Veterans Code, relating to military affairs.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1509.6 of the Military and Veterans Code is amended to read:

Governor's powers

1509.6. In carrying out the provisions of this chapter, the Governor may:

(a) Procure and maintain offices in such parts of the State as may be necessary or convenient;

(b) Acquire property, real or personal, or any interests therein;

(c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services and the affording of such facilities as may be necessary and proper;

(d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this chapter.

SEC. 2. Section 1591 of the Military and Veterans Code is amended to read:

1591. (a) Volunteers duly enrolled or registered with the California Disaster Office or any war, defense, or disaster council of any public agency, or unregistered persons duly impressed into service during a state of disaster or a state of extreme emergency, in carrying out, complying with, or attempting to comply with, any order, rule or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of counties or cities performing similar work for their respective entities. Responsibilities and immunities of volunteers, etc.

(b) No political subdivision, municipal corporation or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof, or unregistered persons duly impressed into service during a state of disaster or a state of extreme emergency, acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in or training for disaster preparedness or relief activity, or by any unregistered person duly impressed into service during a state of disaster or a state of extreme emergency and engaged in such service. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any federal or state statute nor shall it affect the right of any person to recover under the terms of any policy of insurance. Acts of employees, etc

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CHAPTER 1922

An act to amend Section 23787 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 23787 of the Business and Professions Code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages, other than beers, to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more which is licensed and so equipped

and maintained may sublet the sale and service of the meals required by Section 23038. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises.

CHAPTER 1923

An act to add Article 9 to Title 5, Division 1, Part 1, Chapter 2 of the Government Code, relating to the sale of public improvements financed by special assessments.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Article 9 is added to Title 5, Division 1, Part 1, Chapter 2 of the Government Code, to read:

Article 9. Sale of Improvements Financed by Special Assessments

"Improvements"

50550. As used in this article, "improvements" means any or all of the following property acquired, constructed or installed by a local agency with funds derived from special assessments: (a) water mains, pipes, conduits, hydrants and other works or appliances which may be used for providing water service (b) poles, posts, lines, pipes, conduits, lamps and other works or appliances which may be used for providing electric light or power service (c) mains, pipes and other works and appliances which may be used for providing gas service.

Sale

50551. Whenever the legislative body of a local agency determines by resolution that certain of its improvements are no longer useful for the purpose for which they were acquired, constructed or installed, or that such improvements cannot be economically and efficiently operated and maintained by the local agency, such improvements may be sold pursuant to this article.

Resolution of intention

50552. The legislative body shall adopt a resolution of intention, describing the improvements and stating the reason for which the improvement is proposed to be sold. The resolution shall contain a notice of the time and place, when and where persons objecting to the proposed sale may appear before the legislative body and show cause why the proposed sale shall not be made. The time shall not be less than 15, nor more than 40, days after the passage of the resolution.

Publication

50553. The clerk of the legislative body shall cause the resolution of intention to be published once a week for two successive weeks in a daily, semiweekly or weekly newspaper of general circulation in the local agency.

Oral protest

50554. At the time and place fixed in the resolution of intention, any owner of property assessed or being assessed to pay for the acquisition, construction or installation of the improvement proposed to be sold may appear before the legislative body and object to the sale.

Written protest

50555. At any time not later than the time set for hearing objections, any owner of property assessed or being assessed to pay for the acquisition, construction or installation of the improvement proposed to be sold may make and deliver to the clerk of the legislative body a written protest against the proposed sale. Failure to object in writing at that time constitutes a waiver of all objections to the proposed sale and a bar to any subsequent attack on the validity of such sale.

Termination of proceedings

50556. At the time for hearing protests, the legislative body shall hear and pass upon all protests and objections to the proposed sale. If 10 percent of the owners of property assessed or being assessed to purchase the property proposed to be sold, protest such sale in writing, the proceedings shall terminate and no proceedings for a similar purpose shall be instituted for a period of six months. If less than 10 percent of the owners of such property object to the proposed sale and if, in the opinion of the legislative body, the sale of such improvements will be for the best interests of the local agency, the legislative body may overrule all protests and proceed with the sale of such improvement. The decision of the legislative body shall be final.

Bids

50557. If the legislative body determines to proceed, it shall adopt a resolution ordering the sale of such improvement and calling for bids. The resolution shall fix the time for receiving bids, the terms and conditions of the sale, and shall direct the clerk to give notice inviting sealed bids.

Condition subsequent

50558. If the improvement is useful and necessary for the rendition of a service to the local agency, the legislative body shall provide that the sale is conditional upon the purchaser maintaining and operating the improvement for the purpose of providing such service. The contract of sale shall prescribe the period of time during which such condition shall be operative and may prescribe circumstances under which it may be terminated by the parties prior to the expiration of such time

Sealed proposals

50559 The notice inviting sealed proposals shall contain a description of the improvement, the terms and conditions of the sale, and the time and place when and where sealed proposals will be received.

Publication

50560. The notice shall be published at least once a week for two successive weeks in a daily, semiweekly, or weekly newspaper of general circulation in the local agency or assessment district and shall be posted conspicuously for five days on or near the door of the legislative body's chamber.

Sale or rejection

50561. The legislative body shall sell the improvement to the highest responsible bidder or may reject any or all bids.

Without bids

50562. If the legislative body finds that the public interest will be furthered or that the advertising or calling for bids will

not result in competitive bidding, such improvements may be sold without first calling or advertising for bids.

Proceeds

50563. The proceeds of the sale of such improvement shall be distributed by the local agency to the owners of the property which has been or is being assessed to pay for such improvement. Each property owner shall receive an amount which bears the same ratio to the total proceeds as the current assessment against his property bears to the total current assessment for such improvement.

Liberal construction

50564. This article shall be liberally construed to effectuate its purposes. The powers herein granted to local agencies shall not be construed as a limitation on any other powers heretofore or hereinafter granted to such agencies.

CHAPTER 1924

An act to amend Section 1227 of the Penal Code, relating to judgments of death.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1227 of the Penal Code is amended to read:

1227. If for any reason other than the pendency of an appeal pursuant to Section 1239b of this code a judgment of death has not been executed, and it remains in force, the court in which the conviction was had shall, on application of the district attorney, or may upon its own motion, make and cause to be entered an order appointing a day upon which the judgment shall be executed, which must not be less than 30 days nor more than 60 days from the time of making such order; and immediately thereafter, a certified copy of such order, attested by the clerk, under the seal of the court, shall, for the purpose of execution, be transmitted by registered mail to the warden of the state prison having the custody of the defendant; provided, that if the defendant be at large, a warrant for his apprehension may be issued, and upon being apprehended, he shall be brought before the court, whereupon the court shall make an order directing the warden of the state prison to whom the sheriff is instructed to deliver the defendant to execute the judgment at a specified time, which shall not be less than 30 days nor more than 60 days from the time of making such order.

From an order fixing the time for and directing the execution of such judgment as herein provided, there shall be no appeal

CHAPTER 1925

An act to amend Section 440 of the Education Code and Section 28140 of the Government Code, relating to compensation for public service in counties of the fortieth class.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 440 of the Education Code is amended to read:

440. The annual salary of the county superintendent of schools of a county of the fortieth class is seven thousand six hundred fifty dollars ($7,650), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

SEC. 2. 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) a mile for miles actually and necessarily traveled between his place of residence and the county courthouse, for the purpose of attending regular meetings of the board of supervisors. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Grand jurors 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 1926

An act to amend Section 28144 of the Government Code, and Section 444 of the Education Code, relating to compensation for public service in counties of the forty-fourth class.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28144 of the Government Code is amended to read:

Compensation Forty-fourth class county

28144. In a county of the forty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, one thousand four hundred dollars ($1,400) a year.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and twenty cents ($0.20) a mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

(d) Grand jurors, three dollars ($3) for each day's attendance while engaged in the performance of the duties required of them, and fifteen cents ($0.15) for each mile actually traveled, in going only, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

(e) Trial jurors in the superior court, five dollars ($5) for each day's attendance while engaged in the performance of the duties required of them, and fifteen cents ($0.15) for each mile actually traveled on the first day of attendance, in going only, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

SEC. 2. Section 444 of the Education Code is amended to read:

Same Superintendent of schools

444. The annual salary of the county superintendent of schools of a county of the forty-fourth class is seven thousand six hundred dollars ($7,600), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1927

An act to amend Section 435 of the Education Code, and to add Section 70015.9 to the Government Code, relating to compensation for public service in a county of the thirty-fifth class.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 435 of the Education Code is amended to read:

435. The annual salary of the county superintendent of schools of a county of the thirty-fifth class is seven thousand two hundred dollars ($7,200). He shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Superintendent of schools

SEC. 2. Section 70045.9 is added to the Government Code, to read:

70045.9 Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 36,000 and not over 36,500, as determined by the 1950 Federal Census and as set out in Section 28020 of this code on the effective date of this section, each regular official court reporter shall receive an annual salary of four thousand eight hundred dollars ($4,800) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services the said reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, the said fees in civil cases to be paid by the litigants as provided by law. Court reporter

Reporters pro tempore shall be paid a per diem of twenty-five dollars ($25) as provided in Section 69948 of this code and other fees set forth in Article 9, Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests. Reporters pro tempore

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CHAPTER 1928

An act to add Section 4351.3 to the Agricultural Code, relating to the marketing of fluid milk and cream.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 4351.3 is added to the Agricultural Code, to read:

4351.3. In order to meet changes and variations in economic conditions affecting the distribution of fluid milk within a marketing area and to facilitate the consolidation or

modification of marketing areas to include within each such area all contiguous territory wherein conditions of production of fluid milk are reasonably uniform, the director may establish minimum wholesale and minimum retail prices pursuant to this chapter upon a zone basis within the boundaries of a marketing area. Such zones may be established only after a public hearing and shall be established only upon the basis of cost differentials in the distribution of fluid milk between the zones so established within a marketing area as such cost differentials are determined by cost surveys.

CHAPTER 1929

An act to add Section 2903 to the Penal Code, relating to detention services by the Department of Corrections for county women prisoners.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

California Institution for Women

SECTION 1. Section 2903 is added to the Penal Code, to read:

2903. (a) In any case in which a woman offender can be sentenced to imprisonment in the county jail, or be required to serve a term of imprisonment therein as a condition of probation, or has already been so sentenced, or imprisoned, the court which tried such offender may, with the consent of the offender and on application of the sheriff or on its own motion, with the consent of the offender, commit such offender to the sheriff with directions for placement in the California Institution for Women in lieu of placement in the county jail if the court finds that the local detention facilities are inadequate for the rehabilitation of such offenders and if the court concludes that such offender will benefit from such treatment and care as is available at that institution and the county has entered into a contract with the State under subdivision (b) of this section. Such offenders may be received by the Director of Corrections and imprisoned in the California Institution for Women in accordance with the commitment of the court by which tried. The prisoners so confined shall be subject in all respects to discipline, diagnosis, and treatment as though committed under the laws of this State concerning felony prisoners.

Contracts

(b) The Director of Corrections may enter into contracts, with the approval of the Director of Finance, with any county in this State, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to furnish diag-

nosis and treatment services and detention for selected women county prisoners. The county shall reimburse the State for the cost of such services, such cost to be determined by the Director of Finance. In any contract entered into pursuant to this subdivision, the county shall agree to pay such amount as is reasonably necessary for payment of an allowance to each released or paroled prisoner for transportation to the prisoner's county of residence or county where employment is available, and may agree to provide suitable clothing and a cash gratuity to such prisoners in the event that they are discharged from that institution because of parole or completion of the term for which they were sentenced. 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.

Acceptance

(c) The Department of Corrections shall accept such women county prisoners if it believes that they can be materially benefited by such confinement, care, treatment and employment and if adequate facilities to provide such care are available. 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 that such person may be transported to the California Institution for Women and the time at which she can be received.

Execution of order

(d) The sheriff of the county in which an order is made placing a woman county prisoner pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such person in the institution or returning her therefrom to the court. The expenses of such peace officer incurred in executing such order is a charge upon the county in which the court is situated.

Return of prisoner

(e) The Director of Corrections may return to the committing authority any woman prisoner transferred pursuant to this section when such person is guilty of any violation of rules and regulations of the California Institution for Women or the Department of Corrections.

Parole, etc

(f) No woman prisoner placed in the California Institution for Women pursuant to this section shall thereafter be deemed to have been guilty of a felony solely by virtue of such placement, and she shall have the same rights to parole and to time off for good behavior as she would have had if she had been confined in the county jail.

CHAPTER 1930

An act to add Sections 10060.5 and 10067 to the Health and Safety Code, relating to the health and safety of the citizens of this State and, more particularly, to the registration of births and deaths.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 10060.5 is added to the Health and Safety Code, to read:

Exception

10060.5. Any local registrar serving a county-wide health jurisdiction of over 550,000 population, as determined by the official 1950 census, and in whose office is maintained a central depository of birth and death records, is excepted from the provisions of Section 10060 of this code.

SEC. 2. Section 10067 is added to said code, to read:

Disposing of records

10067. The county recorder, with the approval and under the supervision of the State Registrar, may dispose of the special county records of births and deaths for events which occurred subsequent to July 1, 1905, on file in the office of the county recorder providing (a) that the original records are determined to be on file in the Office of the State Registrar; (b) copies of these records are determined to be on file in the office of the local registrar; (c) the local registrar maintains a central depository of birth and death records; and (d) the optional plan provided under Sections 10060 or 10060.5 for the elimination of duplicate records has been adopted.

If the local registrar does not have copies of such records, he is hereby authorized to accept them from the county recorder.

CHAPTER 1931

An act to amend Section 12616 of the Water Code, relating to the control, conservation, protection, and utilization of the water resources of the State.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 12616 of the Water Code is amended to read:

12616. The department may conduct investigations of the water resources of the State, formulate plans for the control, conservation, protection, and utilization of such water resources, including solutions for the water problems of each portion of the State as deemed expedient and economically feasible, and may render reports thereon. In conducting such investigations and formulating such plans, the department may conduct investigations and surveys to determine the availability, usability, extents, and boundaries of underground basins.

CHAPTER 1932

An act to amend Sections 1005.1, 1005.2, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1058, 1059, 1075, 1080, 1081, 1082, 1083, 1086, 1090, 1091, 1092, 1093, 1094, 1096, 1100, 1105, 1106, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1261, 1270, 1271, 1300, 1301, 1302, 1303, 1304, 1311, 1321, 1330, 1331, 1341, 1350, 1351, 1360, 1361, 1362, 1363, 1375, 1380, 1396, 1397, 1398, 1410, 1411, 1450, 1456, 1462, 1464, 1475, 1480, 1525, 1527, 1546, 1547, 1550, 1600, 1605, 1610, 1611, 1615, 1618, 1625, 1650, 1651, 1675, 1676, 1701, 1702, 1703, 1704, 1705, 1752, 1775, 1776, 1781, 1800, 2000, 2001, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2040, 2041, 2042, 2043, 2044, 2047, 2049, 2050, 2075, 2076, 2501, 2525, 2526, 2550, 2551, 2552, 2554, 2575, 2577, 2578, 2600, 2601, 2603, 2604, 2625, 2626, 2627, 2629, 2650, 2651, 2655, 2657, 2658, 2659, 2700, 2701, 2702, 2725, 2750, 2751, 2752, 2753, 2754, 2755, 2759, 2762, 2767, 2771, 2772, 2800, 2801, 2802, 2810, 2811, 2816, 2817, 2825, 2826, 2850, 2851, 2852, 2853, 2857, 2860, 2862, 2863, 2864, 2865, 2900, 4332, 4333, 4359, 4360, 5000, 5001, 5002, 5003, 5004, 5006, 5007, 7045, 7076, 8300, 8360, 8361, 8362, 8373, 8400, 8550, 8685, 8686, 8687, 8688, 8689, 8692, 8693, 8694, 10000, 10500, 10504, 10505, 10506, 11107, 11127, 11131, 11138, 11139, 11140, 11141, 11155, 11156, 11160, 11209, 11216, 11220, 11227, 11231, 11236, 11237, 11241, 11251, 11260, 11290, 11295, 11419, 11451, 11452, 11454, 11455, 11460, 11461, 11462, 11463, 11464, 11465, 11500, 11551, 11552, 11554, 11555, 11560, 11565, 11567, 11575, 11577, 11580, 11581, 11582, 11583, 11584, 11586, 11587, 11590, 11591, 11592, 11595, 11625, 11626, 11627, 11628, 11650, 11651, 11654, 11655, 11656, 11661, 11663, 11664, 11670, 11671, 11700, 11701, 11705, 11706, 11707, 11708, 11710, 11711, 11712, 11713, 11714, 11730, 11731, 11733, 11735, 11736, 11737, 11739, 11750, 11752, 11754, 11762, 11781, 11800, 11803, 11805, 11806, 11813, 11816, 11820, 11831, 11841, 11842, 11850, 11851, 11853, 11854, 11855, 12585, 12586, 12601, 12602, 12603, 12604, 12605, 12606, 12608, 12609, 12610, 12611, 12612, 12616, 12617, 12618, 12619, 12620, 12621, 12622, 12623, 12624, 12626, 12627, 12628, 12629, 12630, 12631, 12632, 12653, 12663, 12673, 12679, 12698, 12701, 12704, 12801, 12803, 12825, 12827, 12828, 12829, 12830, 12867, 12868, 12870, 12871, 12872, 12873, 12874, 12875, 13040, 20625, 20627, 20820, 20981, 23456, 23460, 31006, 32653, 32670, 32671, 32672, 32690, 32715, 39463, 60060, 60096, and the titles of Article 2 of Chapter 2 of Division 1, Chapter 2 of Part 2 of Division 5, Article 2 of Chapter 3 of Part 2 of Division 5, Article 5 of Chapter 3 of Part 4 of Division 5, Division 6, Part 1 of Division 6, Part 2 of Division 6, Chapter 3 of Part 3 of Division 6, Chapter 5 of Part 3 of Division 6, Article 4 of Chapter 1 of Part 6 of Division 6, Article 2 of Chapter 3 of Part 8 of Division 12, Chap-

ter 4 of Part 1 of Division 14, Article 4 of Chapter 1 of Part 5 of Division 14, Article 1 of Chapter 2 of Part 5 of Division 14, and Article 1 of Chapter 3 of Part 5 of Division 14 of, to amend and renumber Sections 150, 153, 157 and 186 of, to renumber Sections 151, 152, 155, 156, 158, 185, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, and the titles of Articles 6 and 7 of Chapter 1 of Part 3 of Division 6, and Articles 2, 3, and 4 of Chapter 3 of Part 3 of Division 6 of, to add Sections 124, 130, 131, 132, 134, 135, 136, 137, 138, 139, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 188, 1003.5, 8562.5, 8698, and 8732.5 to, and to add the title to Article 3 of Chapter 2 of Division 1 of, and to repeal Sections 154, 159, 1009, 1241.5, 6001, 6050, 6051, 8305, 8698, 8699, 11101, 11410, 11411, 11412, 11413, 11414, 11415, 11416, 11417, 11418, 11702, 12572, 12591, 12592, 12593, 12594, 12595, 12596, 12597, 12598, 12599, 12600, 12607, 12852, 20544, 20545, 39029, 60027, 60028, and Article 5 of Chapter 1 of Part 3 of Division 6, Article 1 of Chapter 3 of Part 3 of Division 6, and Article 2 of Chapter 4 of Part 1 of Division 14 of, the Water Code, to amend Sections 4001, 6103 1, 11041, 11501, 11551, 11555.5, 12040, 13370, 14005, 14033, 14150, 14255, 14314, 14316, 14351, 14370, 14371 and 14377 of, to add Sections 14155, and 14254.5 to, and to repeal Sections 14034, 14035, and 14036 of, the Government Code, to amend Sections 520.5, 526.5, 537, 538, 541, and 552 of the Fish and Game Code, and amend Sections 5933 and 5946 of the Fish and Game Code as proposed by Assembly Bill No. 616, to amend Sections 1773.6 and 1773.7 of the Labor Code, to amend Sections 6327, 8003, 8011, 8012, 8013, 8014, 8014.5, 8015, 8016, 8017, 8018, 8019, 8020, 8021, 8022, 8025, 8832, and 8833 of, and to add Section 8001 to, the Public Resources Code, to amend Section 16 of the San Diego County Flood Control District Act (Chapter 1372, Statutes of 1945), to amend Sections 1 to 5, inclusive, of Chapter 1394 of the Statutes of 1949, to amend Section 32 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951), and to amend Section 42 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), relating to the water resources of the State and the administration thereof, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 150 of the Water Code is amended and renumbered to read:

Department of Water Resources

120. There is in the State Government the Department of Water Resources, which is under the control of an executive officer known as the Director of Water Resources. The director is appointed by the Governor and holds office at the pleasure

of the Governor. The appointment of the director is subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm the appointment shall create a vacancy in the office. The annual salary of the director is provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 151 of said code is renumbered to read:

121. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of twenty-five thousand dollars ($25,000) conditioned upon the faithful performance of his duties. Bond

SEC. 3. Section 152 of said code is renumbered to read:

122. The director, in addition to being subject to removal from office by the Governor, may be removed from office by the Legislature, by concurrent resolution adopted by a majority vote of all members elected to each house, for dereliction of duty or corruption or incompetency. Removal

SEC. 4. Section 153 of said code is amended and renumbered to read:

123. Except as provided in Section 179, the department succeeds to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters pertaining to water or dams vested in the Department and Director of Public Works, the Division of Water Resources of the Department of Public Works, the State Engineer, the Water Project Authority of the State of California, or any officer or employee thereof. The department also succeeds to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction of the Department of Finance under Part 2 (commencing at Section 10500) of Division 6. The department succeeds to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction vested in the State Water Resources Board, except as provided in Article 2 (commencing at Section 150) of Chapter 2 of this division. Powers, etc

Any commission or other body heretofore or hereafter created by the Legislature to formulate a compact with a similar commission or body from another state relative to the distribution and use of the waters of any interstate streams or bodies of water, including but not limited to the California Klamath River Commission and the California-Nevada Interstate Compact Commission, shall, in formulating a provision in any such compact for the administration of the terms of the compact, provide that the Department of Water Resources shall be the representative of the State of California for the purpose of such administration. Interstate compacts

SEC. 5. Section 154 of said code is repealed. Repeal

SEC. 6. Section 124 is added to said code, to read:

124. Except to the extent inconsistent with the provisions of this code, 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 State departments

of Water Resources in every respect the same as if such provisions were herein set forth at length, and whenever in that chapter the term "head of the department" or similar designation occurs, for the purposes of this section it shall mean the director.

SEC. 7. Section 155 of said code is renumbered to read:

Organization

125. For the purpose of administration, the director shall organize the department with the approval of the Governor in the manner he deems necessary to segregate and conduct the work of the department properly. With the approval of the Governor, the director may create such divisions and subdivisions as may be necessary and change or abolish them from time to time.

Branch offices

The director with the approval of the Governor may establish branch offices in hydrographic or other regions of the State in order to assure the expeditious conduct of the work of the department in such region, and to assure free and rapid communication of local problems and recommendations to the department and may change or abolish any such branch offices from time to time. Any branch office so established shall be under the control of a branch office manager who, subject to the direction and control of the director, shall represent the department in all matters under the department's jurisdiction in the region.

SEC. 8. Section 156 of said code is renumbered to read:

Deputy Director

126. There shall be one Deputy Director of Water Resources who shall be a civil executive officer and shall be appointed by the Governor and serve at the pleasure of the Governor. The compensation of the deputy director shall be fixed by the director pursuant to law. The deputy director shall have such duties as shall be assigned, from time to time, by the director, and he shall be responsible to the director for the performance thereof.

SEC. 9. Section 157 of said code is amended and renumbered to read:

Legal counsel

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, and subdivision (b) of Section 16048 of the Government Code are not applicable to the Department of Water Resources.

SEC. 10. Section 158 of said code is renumbered to read:

Emergency

128. In times of extraordinary stress and of disaster, resulting from storms and floods, the director may declare the existence of an emergency and designate the location, nature, cause, area, and extent of the emergency if in his opinion:

(a) The emergency is a matter affecting the waters or dams of the State and is of general public and state concern; and

(b) Work and remedial measures are required to immediately avert, alleviate, repair, or restore damage or destruction to property having a general public and state interest and to protect the health, safety, convenience, and welfare of the general public of the State.

Remedial work

The department may perform any work required or take any remedial measures necessary to avert, alleviate, repair, or restore damage or destruction to property as provided in this section. In carrying out such work the department may perform the work itself or through or in cooperation with any other state department or agency, the Federal Government, or any political subdivision, city, or district.

Allocation of money

The director shall transmit any declaration made under this section to the Governor with a recommendation and request that money be allocated from any available money appropriated for that purpose or to meet state emergencies within the meaning of that term as employed in this section, in order to carry out the work and remedial measures required to meet the emergency.

The Governor shall forthwith determine if a state emergency exists, and if money is available in any appropriation or emergency fund for the work and remedial measures. Upon an affirmative finding upon these matters he shall direct the Department of Finance to allocate to the department such amount as in his opinion will be required to meet the emergency.

Repeal

SEC. 11. Section 159 of said code is repealed.

SEC. 12. Section 130 is added to said code, to read:

Dissemination of information

130. The department may prepare, publish, and issue such printed pamphlets and bulletins as the director deems necessary for the dissemination of information to the public concerning the activities of the several divisions of the department. Funds available for the support of the several divisions may, with the approval of the Department of Finance, be used to pay the cost of preparation, publication, and distribution.

SEC. 13. Section 131 is added to said code, to read:

Employed assistance

131. The department may employ such assistance as may be necessary for the proper discharge of its duties, and may purchase or rent any necessary supplies, instruments, tools, equipment, and conveniences.

SEC. 14. Section 132 is added to said code, to read:

Rentals

132 Where work to be performed, which would otherwise be subject to the State Contract Act, does not lend itself to the preparation of plans and specifications to enable bids to be taken on a lump sum or unit basis, the department may perform such work by the use of rented tools or equipment, either with operators furnished or unoperated. Contracts for such rentals shall not be subject to the State Contract Act, but shall be subject to all of the provisions of Section 136.5 of the Streets and Highways Code.

SEC. 15. Section 134 is added to said code, to read:

Expenditure

134. The department may expend money appropriated for the administration of the laws the enforcement of which is committed to the department. The department may expend such money for the use, support, or maintenance of any appropriate state agency within the department.

Such expenditures by the department shall be made in accordance with law in carrying on the work for which the appropriations were made.

SEC. 16. Section 135 is added to said code, to read:

Revolving fund

135. The Water Resources 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 Department of Water Resources, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Department of Water Resources (or any predecessor), when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Department of Water Resources, for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code. The Department of Water Resources may withdraw from the fund for use in work of other public agencies, local, state, or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in said fund in advance of the work being done.

Limitation

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 or 20752 of the Government Code or the charges imposed pursuant to Articles 2 (commencing at Section 11270) or 3 (commencing at Section 11290) of Chapter 3, Part 1, Division 3, Title 2 of said code.

SEC. 17. Section 136 is added to said code, to read:

Claims

136. The Department of Water Resources shall file against the Water Resources Revolving Fund all claims covering expenditures incurred in connection with services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments and reports, and the State Controller shall draw his warrant therefor against that fund.

SEC. 18. Section 137 is added to said code, to read:

137. The Department of Water Resources shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unused balance in any portion of the fund shall on approval by the Department of Finance be withdrawn from the revolving fund and transferred to the credit of the appropriation from which it was transferred or, as to funds from other than state appropriations, be paid out or refunded as provided in the agreement relating to the contributions. Record of expenditures

SEC. 19. Section 138 is added to said code, to read:

138. The director may authorize the refund of moneys received or collected by the department in payment of fees, licenses, permits, tolls, or for rentals, property or services, wherein the license, permit, rental, property or service cannot lawfully be issued, furnished, or transferred to the person making the payment, or in cases where the payment in whole or in part represents overpayment or payment in duplicate. Refund

SEC. 20. Section 139 is added to said code, to read:

139. Without at the time furnishing vouchers and itemized statements, the Department of Water Resources may, with the approval of the Department of Finance, withdraw from the Water Resources Revolving Fund not exceeding fifty thousand dollars ($50,000) at any one time. The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary. Withdrawal

SEC. 21. The title of Article 2 of Chapter 2 of Division 1 of said code is amended to read:

Article 2. State Water Board

SEC. 22. Sections 150 to 162, inclusive, are added to said code, immediately following the title to Article 2 of Chapter 2 of Division 1, to read:

150. The State Water Resources Board is continued in existence within the department as the State Water Board, but the board shall have only the powers and duties provided in this article. State Water Board

151. The State Water Board consists of seven members who are appointed by the Governor subject to the confirmation of the Senate, as provided in this article. Members

152. The members of the State Water Board appointed by the Governor shall be selected and approved for appointment on the basis of their general educational and business qualifications, and their knowledge of, interest in, and experience with problems relating to the control, storage, and beneficial use of water. They shall be appointed in such a manner as to afford representation on the board of all parts of the State so far as it is practicable. In considering qualifications of members of the board, engineering ability and experience shall be deemed advisable. Appointment

Terms

153. The terms of the members of the State Water Board in office when this article takes effect shall expire as follows: one member on January 15, 1958, two members on January 15, 1959, two members on January 15, 1960, and two members on January 15, 1961.

154. Appointments shall be for terms of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

Senate confirmation

155. The appointments made by the Governor to membership on the State Water Board shall be subject to confirmation by the Senate at the next regular or special session of the Legislature and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

Removal

156. The members of the State Water Board may be removed from office by the Legislature, by concurrent resolution adopted by a majority vote of all members elected to each house, for dereliction of duty or corruption or incompetency.

Compensation

157. Each member of the State Water Board shall receive twenty dollars ($20) for each day during which he is engaged in the performance of his official duties, but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars ($2,000). In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

Headquarters

158. The State Water Board shall maintain its headquarters at Sacramento and shall hold meetings at such times and at such places as shall be determined by it. All meetings of the board shall be open and public.

Special meetings

159. Special meetings may be called at any time by the chairman or by the secretary at the request of any four members, upon notice specifying the matters to be acted upon at such meeting, but no other matters shall be acted upon at special meetings which were not so noticed, unless all members are present and consent thereto.

Chairman

160. The members of the State Water Board shall select one of the members to serve as chairman, who shall hold office as chairman at the pleasure of the board.

Rules, etc

161. The State Water Board shall confer with, advise, and make recommendations to the director with respect to any matters and subjects under his jurisdiction. The rule-making power of the department shall be exercised in the following manner. All rules and regulations of the department, other than those relating exclusively to the internal administration and management of the department, shall be first presented by the director to the board and shall become effective only upon approval thereof by the board.

Major departmental determinations

162. It is the intention of the Legislature that in the making of all major departmental determinations, policies and procedures, such as departmental recommendations to the Legislature, the director and the State Water Board shall be

in agreement whenever possible; but for the purpose of fixing responsibility to the Governor and to the Legislature, in the event of disagreement between the director and the board upon such matters, the views of the director shall prevail. In such situations a written report upon such disagreement shall be made immediately to the Governor and to the President pro Tempore of the Senate and the Speaker of the Assembly by the board and by the director.

SEC. 23. The title to Article 3 of Chapter 2 of Division 1 is added to said code, immediately following Section 162, to read:

Article 3. State Water Rights Board

SEC. 24. Section 185 of said code is renumbered to read:

175. There is in the State Government the State Water Rights Board consisting of three members appointed by the Governor. One of the members appointed shall be an attorney admitted to practice law in this State and one shall be a registered civil engineer under the laws of this State Each member shall represent the State at large and not any particular portion thereof. The appointments so made by the Governor shall be subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made. Water Rights Board

SEC. 25. Section 186 of said code is amended and renumbered to read:

176. The annual salary of the members of the board is provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code. Each member of the board shall receive the necessary traveling and other expenses incurred by him in the performance of his official duties out of appropriations made for the support of the board When necessary the members of the board may travel within or without the State. Salary

SEC. 26. Section 187 of said code is renumbered to read:

177. The terms of the members first appointed shall expire as follows: one member on January 15, 1957, one member on January 15, 1958, and one member on January 15, 1959. Thereafter all members of the board shall be appointed for terms of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur. Terms

SEC. 27. Section 188 of said code is renumbered to read:

178. The members of the board may be removed from office by the Legislature, by concurrent resolution adopted by a majority vote of all members elected to each house, for dereliction of duty or corruption or incompetency. Removal

SEC. 28. Section 189 of said code is renumbered to read:

179. The board succeeds to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction vested in the department and Director of Public Works, the Powers, etc

Division of Water Resources of the Department of Public Works, and the State Engineer, or any officer or employee thereof, under Parts 1 (commencing at Section 1000), 2 (commencing at Section 1200), 3 (commencing at Section 2000), and 5 (commencing at Section 4999) of Division 2 of this code, or any other law under which permits or licenses to appropriate water are issued, denied, or revoked.

SEC. 29. Section 190 of said code is renumbered to read:

Bond

180. Before entering upon the duties of his office, each member of the board shall execute an official bond to the State in the penal sum of twenty-five thousand dollars ($25,000) conditioned upon the faithful performance of his duties.

SEC. 30. Section 191 of said code is renumbered to read:

Headquarters

181. The board shall maintain its headquarters at Sacramento and 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.

SEC. 31. Section 192 of said code is renumbered to read:

Chairman

182. The Governor shall designate the chairman of the board from the membership of the board. The person so designated shall hold the office of chairman at the pleasure of the Governor.

SEC. 32. Section 193 of said code is renumbered to read:

Hearings

183. The board may hold any hearings and conduct any investigations in any part of the State necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the State by Article 2 (commencing at Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Any hearing or investigation by the board may be conducted by any member upon authorization of the board, and he shall have the powers granted to the board by this section, but any final action of the board shall be taken by the board as a whole.

All hearings held by the board or by any member thereof shall be open and public.

SEC. 33. Section 194 of said code is renumbered to read:

Judicial proceeding

184. The Department of Water Resources shall have an interest and may appear as a party in any hearing held by the board and may commence or appear in any judicial proceeding brought to inquire into the validity of any action, order, or decision of the board.

SEC. 34. Section 195 of said code is renumbered to read:

Rules

185. The board shall adopt rules for the conduct of its affairs in conformity, as nearly as practicable, with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code.

SEC. 35. Section 196 of said code is renumbered to read:

Legal counsel, etc

186. The board shall have such powers, and may employ such legal counsel and other personnel and assistance, as may be necessary or convenient for the exercise of its duties

under Division 2 (commencing at Section 1000). The Attorney General shall represent the board and the State in litigation concerning affairs of the board unless the Department of Water Resources is a party to the action. In such case the legal counsel of the board shall represent the board. Sections 11041, 11042, and 11043 of the Government Code are not applicable to the State Water Rights Board.

SEC. 36. Section 197 of said code is renumbered to read:

187. The board and the Department of Water Resources shall, to the fullest extent possible, exchange records, reports, material, and any other information relating to water or water rights, to the end that unnecessary duplication of effort may be avoided; however, no such exchange shall be made when, in the opinion of the agency possessing the records, reports, material, or other information, such exchange would be detrimental to the public interest. Exchange of records, etc

SEC. 37. Section 188 is added to said code, to read:

188. The board may expend money appropriated for the administration of the laws the administration of which is committed to the board. Expenditure

Such expenditures by the board shall be made in accordance with law in carrying on the work for which the appropriations were made.

SEC. 38. Section 1003.5 is added to said code, to read:

1003.5. As used in this division, "board" means the State Water Rights Board. "Board"

SEC. 39. Section 1005.1 of said code is amended to read:

1005.1. Cessation of or reduction in the extraction of ground water by the owner of a right to extract, as the result of the use of an alternate supply of water from a nontributary source, shall be and is deemed equivalent to, and for purposes of establishing and maintaining any right to extract the ground water shall be construed to constitute, a reasonable beneficial use of the ground water to the extent and in the amount that water from the alternate source is applied to reasonable beneficial use, not exceeding, however, the amount of such reduction. Any such user of water from an alternate nontributary source who seeks the benefit of this Section 1005.1, shall file with the board, on or before December 31st of each calendar year, a statement of the amount of water from said source so applied to reasonable beneficial use pursuant to the provisions of this section during the next preceding water year (November 1st to October 31st), and such user cannot claim the benefit of this section for any water year for which such statement is not so filed. Ground water

"Ground water" for the purpose of this section and of Section 1005.2 means water beneath the surface of the ground, whether or not flowing through known and definite channels. "Ground water"

The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this State defined by the exterior boundaries of the Application

Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

"Nontributary source"

The term "nontributary source" as used in this section shall be deemed to include water imported from another watershed, or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

SEC. 40. Section 1005.2 of said code is amended to read:

Replenishment

1005.2. Cessation of or reduction in the extraction of ground water, to permit the replenishment of such ground water by the use of water from an alternate nontributary source, is hereby declared to be a reasonable beneficial use of the ground water to the extent and in the amount that water from such alternate source is applied to beneficial use, not exceeding, however, the amount of such reduction. No lapse, reduction or loss of any right in ground water, shall occur under such conditions. Any such user of water from an alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring prior to the effective date of this section, shall file with the board, within ninety (90) days from said effective date, a statement of the amounts of reduction in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use prior to said effective date to permit the replenishment of such ground water and said amounts shall be segregated and shown for each water year (November 1st to October 31st) during which such use occurred prior to the effective date of this section. Any such user of water from an alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring subsequent to the effective date of this section, shall file with the board, on or before December 31st of each calendar year, a statement of the amount of reduction in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use during the next preceding water year (November 1st to October 31st) to permit the replenishment of such ground water. Such user cannot claim the benefit of this section for any water year for which such statement is not so filed.

Application

The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this State defined by the exterior boundaries of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

The term "nontributary source" as used in this section shall be deemed to include water imported from another watershed or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached

the underground source of supply of the owner relying upon this section.

SEC. 41. Section 1009 of said code is repealed. Repeal

SEC. 42. Section 1050 of said code is amended to read:

1050. This division is hereby declared to be in furtherance of the policy contained in Section 3 of Article XIV of the Constitution of the State and in all respects for the welfare and benefit of the people of the State, for the improvement of their prosperity and their living conditions, and the board and the department shall be regarded as performing a governmental function in carrying out the provisions of this division. Purpose

SEC. 43. Section 1051 of said code is amended to read:

1051. The board for the purpose of this division may: Powers

(a) Investigate all streams, stream systems, portions of stream systems, lakes, or other bodies of water.

(b) Take testimony in regard to the rights to water or the use of water thereon or therein.

(c) Ascertain whether or not water heretofore filed upon or attempted to be appropriated is appropriated under the laws of this State.

SEC. 44. Section 1052 of said code is amended to read:

1052. The diversion or use of water subject to the provisions of this division other than as authorized in this division is a trespass, and the board may institute in the superior court in and for any county wherein such diversion or use is attempted appropriate action to have such trespass enjoined. Unauthorized division

SEC. 45. Section 1053 of said code is amended to read:

1053. A full and accurate record of business or acts performed or of testimony taken by the board and the department in pursuance of the provisions of this division shall be kept and be placed on file in the office of the board or the department, as the case may be. Records

SEC. 46 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. Certification

SEC. 47. Section 1055 of said code is amended to read:

1055. The board and the department shall charge and collect the following fees: for copies and records not required to be certified or otherwise authenticated by them, ten cents ($0.10) for each folio; for certified copies of official documents and orders filed in their respective offices, fifteen cents ($0.15) for each folio, and one dollar ($1) for every certificate under seal affixed thereto; for certified copies of evidence and proceedings before the board fifteen cents ($0.15) for each folio. Fees

SEC 48. Section 1056 of said code is amended to read:

1056. The board and the department may fix reasonable charges for publications issued under their respective authorities.

SEC. 49. Section 1058 of said code is amended to read:

Rules, etc

1058. The board may make such reasonable rules and regulations as it may from time to time deem advisable in carrying out its powers and duties under this division.

SEC. 50. Section 1059 of said code is amended to read:

Certification

1059. The board and the department, as to matters under each of their respective jurisdictions, may designate one or more of their employees who shall have authority to certify under their respective seals all copies of orders, applications, permits, licenses, certificates, and other records under this division, and to attest all records, transcripts, evidence, and other original documents which it is necessary so to authenticate.

SEC. 51. Section 1075 of said code is amended to read:

"Proceeding"

1075. As used in this chapter, "proceeding" means any inquiry, investigation, hearing, ascertainment, or other proceeding ordered or undertaken by the board pursuant to this division.

SEC. 52. Section 1080 of said code is amended to read:

Subpenas, etc.

1080. The board may administer oaths and issue subpenas for the attendance and giving of testimony by witnesses and for the production of evidence in any proceeding in any part of the State.

SEC. 53. Section 1081 of said code is amended to read:

Witness fees

1081. Each witness who appears by order of the board shall receive for his attendance the same fees and mileage allowed by law to witnesses in civil cases, which shall be paid by the party at whose request the witness is subpenaed.

SEC. 54. Section 1082 of said code is amended to read:

1082. When any witness who has not been required to attend at the request of any party is subpenaed by the board his fees and mileage shall be paid from the funds appropriated for the use of the board and available for the purpose.

SEC. 55. Section 1083 of said code is amended to read:

1083. Any witness subpenaed, except one whose fees and mileage are payable from the funds of the board, may, at the time of service, demand the fees to which he is entitled for travel to and from the place at which he is required to appear and one day's attendance.

SEC. 56. Section 1086 of said code is amended to read:

Out of county

1086. No witness shall be compelled to attend as a witness before the board under this division out of the county in which he resides, unless the distance is less than 30 miles from his place of residence to the place of hearing.

SEC. 57. Section 1090 of said code is amended to read:

Attendance

1090. The superior court of the county in which any proceeding is held by the board may compel the attendance and giving of testimony by witnesses and the production of evidence as required by any subpena issued by the board.

SEC. 58. Section 1091 of said code is amended to read:

Refusal

1091. In case of the refusal of any witness to attend or testify or produce any evidence required by a subpena issued

by it, the board may report by petition to the superior court in and for the county in which the proceeding is pending.

SEC. 59. Section 1092 of said code is amended to read:

Court petition

1092. The petition shall set forth the following:

(a) That due notice has been given of the time and place of attendance of the witness or for the production of evidence and that the witness has been summoned in the manner prescribed in this chapter.

(b) That the witness has failed and refused to attend or produce the evidence required by the subpena before the board in the proceeding named in the notice and subpena, or has refused to answer questions propounded to him in the course of the proceeding.

SEC. 60. Section 1093 of said code is amended to read:

Contents

1093. The petition shall ask an order of court compelling the witness to attend, testify, and produce the evidence before the board.

SEC. 61. Section 1094 of said code is amended to read:

Court orders

1094. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place fixed by the court in the order and not more than 10 days from the date of the order, and then and there show cause, if any he have, why he refused to obey the subpena, or refused to answer questions propounded to him by the board, or neglected, failed, or refused to produce before the board the evidence called for in the subpena.

SEC. 62. Section 1096 of said code is amended to read:

1096. If it appears to the court that the subpena was regularly issued, the court shall thereupon enter an order that the witness appear before the board at the time and place fixed in the order and testify or produce the required evidence or both testify and produce.

SEC. 63. Section 1100 of said code is amended to read:

Deposition

1100. The board or any party to a proceeding before it may, in any investigation or hearing, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for depositions in civil actions in the superior courts of this State.

SEC. 64. Section 1105 of said code is amended to read:

Self incrimination

1105. No person shall be excused from testifying or from producing any evidence in any investigation or inquiry by or hearing before the board upon the ground that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture.

SEC. 65. Section 1106 of said code is amended to read:

Prosecution

1106. No person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing material to the matter under investigation by the board concerning which he has been compelled as a witness to testify or to produce documentary evidence; but no person so testifying or producing shall be

Perjury

exempt from prosecution and punishment for any perjury committed by him in his testimony.

Repeal

SEC. 66. Section 1241.5 of said code is repealed.

SEC. 67. Section 1250 of said code is amended to read:

Applications

1250. The board shall consider and act upon all applications for permits to appropriate water and shall do all things required or proper relating to such applications.

SEC. 68. Section 1251 of said code is amended to read:

Investigations

1251. The board shall make such investigations of the water resources of the State as may be necessary for the purpose of securing information needed in connection with applications for appropriations of water.

SEC. 69. Section 1252 of said code is amended to read:

Permit

1252. Any person may apply for and secure from the board, in conformity with this part and in conformity with reasonable rules and regulations adopted from time to time by it, a permit for any unappropriated water.

SEC. 70. Section 1253 of said code is amended to read:

Conditions

1253. The board shall allow the appropriation for beneficial purposes of unappropriated water under such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest the water sought to be appropriated.

SEC. 71. Section 1254 of said code is amended to read:

Domestic use

1254. In acting upon applications to appropriate water the board shall be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water.

SEC. 72. Section 1255 of said code is amended to read:

Rejection

1255. The board shall reject an application when in its judgment the proposed appropriation would not best conserve the public interest.

SEC. 73. Section 1256 of said code is amended to read:

Public interest

1256. In determining public interest under Sections 1253 and 1255, the board shall give consideration to any general or coordinated plan prepared and published by the Department of Water Resources or any predecessor thereof, looking toward the development, utilization, or conservation of the water resources of the State.

SEC. 74. Section 1257 of said code is amended to read:

1257. In acting upon applications to appropriate water, the board shall consider the relative benefit to be derived from all uses of the water concerned.

SEC. 75. Section 1261 of said code is amended to read:

Maps, etc

1261. All applications shall be accompanied by as many copies of such maps, drawings, and other data as may be prescribed or required by the board, and such maps, drawings, and other data are part of the application.

SEC. 76. Section 1270 of said code is amended to read:

Defective application

1270. A defective application made in a bona fide attempt to conform to the rules and regulations of the board and to the law secures to the applicant a priority of right as of the date of the application until he is notified in what respect

his application is defective, and the applicant shall be allowed 60 days after notice of the defect in which to file an amended and perfected application.

SEC. 77. Section 1271 of said code is amended to read:

1271. If, within the 60-day period, the applicant does not file an amended and perfected application, the application shall be rejected and canceled, unless for good cause shown the board allows the applicant to file a further amended and perfected application.

SEC. 78. Section 1300 of said code is amended to read:

1300. As soon as practicable after the receipt of an application for a permit to appropriate water the board shall issue and deliver a notice of the application (a) to the applicant (b) to the district attorney of each county wherein the applicant proposes to divert water under the application, and (c) to the board of supervisors of each county wherein the applicant proposes to divert water under the application. Notice of application

SEC. 79. Section 1301 of said code is amended to read:

1301. The notice shall specify all of the following: Contents

(a) The number of the application.

(b) The name and address of the applicant.

(c) The date of filing.

(d) The source of supply.

(e) The amount applied for.

(f) The season of diversion.

(g) The location of the point of diversion.

(h) The use to be made.

(i) The location of the place of use.

(j) The date of issuance of the notice.

(k) Such other information as the board deems necessary.

SEC. 80. Section 1302 of said code is amended to read:

1302. If the application is for more than three cubic feet per second or for more than 200 acre-feet per annum of storage, the notice shall state that protests against the approval of the application may be filed within 60 days from the date of issuance of the notice or within such further time as the board may, for good cause shown, allow. Protests

SEC. 81. Section 1303 of said code is amended to read:

1303. If the application is for three cubic feet or less per second, or for 200 acre-feet or less per annum of storage, the notice shall state that protests may be filed within 40 days from date thereof or within such further time as the board may, for good cause shown, allow.

SEC. 82. Section 1304 of said code is amended to read:

1304. The notice shall contain appropriate general information as to what protests against the approval of the application shall contain in order to accord with the requirements of law and the rules and regulations of the board.

SEC. 83. Section 1311 of said code is amended to read:

1311. Upon receipt of notice of an application coming under this article, the applicant shall cause it to be published as directed by the board. Publication

SEC. 84. Section 1321 of said code is amended to read:

Interested parties

1321. Upon the date of issuance of notice of an application coming under this article the board shall mail three copies of the notice to the applicant by registered mail and shall also send a copy by registered mail to each person who is known to the board and who in its judgment is interested in the application because of ownership or location in the vicinity of the proposed appropriation.

SEC. 85. Section 1330 of said code is amended to read:

Protest

1330. Any person interested may, within the time allowed in the notice of application or within such further time as may, for good cause shown, be allowed by the board, file with it a written protest against the approval of an application.

SEC. 86. Section 1331 of said code is amended to read:

1331. The protest shall:

(a) State the name and address of the protestant;

(b) Be signed by the protestant, his agent or attorney;

(c) Clearly set forth the protestant's objections to the approval of the application;

(d) Contain other appropriate information and be in the form provided in the rules and regulations of the board.

SEC. 87. Section 1341 of said code is amended to read:

Notice of hearing

1341. The notice of hearing on a protested application shall state the names of the applicant and protestant, the time and place fixed for the hearing, and such other appropriate information as may be deemed advisable by the board.

SEC. 88. Section 1350 of said code is amended to read:

Rejection, etc

1350. The board may grant, or refuse to grant a permit and may reject any application, after hearing.

SEC. 89. Section 1351 of said code is amended to read:

Unprotested application

1351. No hearing is necessary in order to issue a permit upon an unprotested application or in order to reject a defective application after notice, unless the board elects to hold a hearing.

SEC. 90. Section 1360 of said code is amended to read:

Action

1360. Any person interested in any application may, within 30 days after final action by the board, file an action in the superior court in and for the county in which the applicant seeks to divert water under the application.

SEC. 91. Section 1361 of said code is amended to read:

Review

1361. The action shall be for a review of the ruling, order, decision, or other official act of the board.

SEC. 92. Section 1362 of said code is amended to read:

1362. The court shall review all records on file with the board which pertain to the ruling, order, decision, or other official act, and a transcript, if any, of evidence taken.

SEC. 93. Section 1363 of said code is amended to read:

Evidence

1363. The court shall take such additional relevant and competent evidence as it may require or as may be submitted by the board or the party filing the petition for review. The court shall then render judgment, according to the weight of

evidence adduced before it, affirming, reversing, or modifying the action of the board.

SEC. 94. Section 1375 of said code is amended to read:

Issuance of permit

1375. As prerequisite to the issuance of a permit to appropriate water the following facts must exist:

(a) There must be an applicant.

(b) The application must contain the matter and information prescribed by this division and be in the form required by the board.

(c) The intended use must be beneficial.

(d) There must be unappropriated water available to supply the applicant.

(e) All fees due must be paid.

SEC. 95. Section 1380 of said code is amended to read:

1380. Upon the approval of an application the board shall issue a permit.

SEC. 96. Section 1396 of said code is amended to read:

Construction work

1396. The construction of the work thereafter and the utilization of water for beneficial purposes shall be prosecuted with due diligence in accordance with this division, the terms of the permit, and the rules and regulations of the board.

SEC. 97. Section 1397 of said code is amended to read:

Completion

1397. The work shall be completed and the water applied to beneficial use in accordance with this division, the rules and regulations of the board, and the terms of the permit and within the period specified in the permit.

SEC. 98. Section 1398 of said code is amended to read:

Extension

1398. The period specified in the permit for beginning construction work, for completion of construction work, for application of the water to beneficial use, or any or all of these periods may, for good cause shown, be extended by the board.

SEC. 99. Section 1410 of said code is amended to read:

Revocation

1410. If the work is not commenced, prosecuted, and completed, or the water applied to beneficial use as contemplated in the permit and in accordance with this division and the rules and regulations of the board, the board shall, after notice in writing and mailed in a sealed, postage prepaid and registered letter addressed to the permittee at the address given in his application, and after a hearing, revoke the permit and declare the water subject to further appropriation.

SEC. 100. Section 1411 of said code is amended to read:

Findings of board

1411. The findings and declaration of the board on the revocation of a permit shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction.

SEC. 101. Section 1450 of said code is amended to read:

Priority of right

1450. Any application properly made gives to the applicant a priority of right as of the date of the application until such application is approved or rejected. Such priority continues only so long as the provisions of law and the rules and regulations of the board are followed by the applicant.

SEC. 102. Section 1456 of said code is amended to read:

1456. Priority of right secured under this article shall not be effective for more than 30 days after service of notice of issuance of the permit, personally or by registered mail, on the applicant, unless within that time the fees, if any, due upon issuance of the permit are paid to the board. If payment is not made within that time, the board shall forthwith revoke the permit.

SEC. 103. Section 1462 of said code is amended to read:

Municipal excess

1462. Where permission to appropriate is granted to any municipality for any quantity of water in excess of the existing municipal needs therefor, the board may, pending the application to beneficial use of the entire appropriation permitted, issue permits for the temporary appropriation of the excess of the permitted appropriation over and above the quantity being applied to beneficial use from time to time by the municipality.

SEC. 104. Section 1464 of said code is amended to read:

Alternate method

1464. In lieu of the granting of such temporary permits for appropriation, the board may authorize the municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the Public Utilities Commission of the State for such period from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted.

SEC. 105. Section 1475 of said code is amended to read:

Reservoir

1475. In any case where a reservoir has been or shall hereafter under the provisions of this division be constructed, or surveyed, laid out, and proposed to be constructed, for the storage of water for a system, which water is to be used at one or more points under appropriations of water and rights held and owned by the person owning the reservoir site and constructing the reservoir, the reservoir, appropriations, and rights shall, in the discretion of the board constitute a single enterprise and unit, and work of constructing the reservoir, or work on any one of the appropriations shall, in the discretion of the board, be sufficient to maintain and preserve all applications for appropriations and rights thereunder.

SEC. 106. Section 1480 of said code is amended to read:

Application priority

1480. An application by the Department of Water Resources, or an application by the Department of Finance prior to July 5, 1956, in aid of any general or coordinated water plan has such priority as is now or may hereafter be provided by law.

SEC. 107. Section 1525 of said code is amended to read:

Filing fee

1525. Every person making application for a permit to appropriate water shall pay to the board at the time of filing the application a filing fee of ten dollars ($10).

SEC. 108. Section 1527 of said code is amended to read:

Insufficient payment

1527. Not later than five days after receipt of an application, the board shall notify the applicant by registered mail of

the further amount of fee, if any, due under the schedule of fees provided in this article, and if there is a further amount due and it is not received within 30 days after the date of filing the application in the office of the board the application shall be rejected.

SEC. 109. Section 1546 of said code is amended to read:

Extension fee

1546. Every person making application for an extension of time within which to begin construction, to complete construction, or to apply the water to full beneficial use under a permit shall pay to the board at the time of making such application a fee of five dollars ($5).

SEC. 110. Section 1547 of said code is amended to read:

Change place of use, etc

1547. Every person filing a petition for permission to change the point of diversion, place of use, or purpose of use pursuant to Chapter 10 of this part shall pay to the board at the time of filing the petition a fee of ten dollars ($10).

SEC. 111. Section 1550 of said code is amended to read:

Disposition of fees

1550. All fees paid under the provisions of this chapter shall be paid at least once a week into the State Treasury by the board and shall be accompanied by a detailed statement thereof.

SEC. 112. Section 1600 of said code is amended to read:

Project completion

1600. Immediately upon completion of the project the holder of a permit for the right to appropriate water shall report the completion to the board.

SEC. 113. Section 1605 of said code is amended to read:

Inspection

1605. The board shall as soon as practicable after receiving the report of completion cause to be made a full inspection and examination of the works constructed and the use of water therefrom, and shall determine whether the construction of the works and the use of water therefrom is in conformity with law, the rules and regulations of the board, and the permit.

SEC. 114. Section 1610 of said code is amended to read:

Further extension

1610. The board may for good cause shown further extend the time for completion, or, if the determination as to completion is favorable to the applicant, shall issue a license which gives the right to the diversion of such an amount of water as has been found by inspection to have been applied to beneficial use.

SEC. 115. Section 1611 of said code is amended to read:

Nonconformity

1611. If, upon inspection and examination of the works constructed and the use of water therefrom, the board finds that the construction and condition of the works and the use of water therefrom are not in conformity with the law, the rules and regulations of the board, and the terms of the permit, it may, after due notice in writing and in the manner provided in Sections 1011, 1012, and 1013 of the Code of Civil Procedure to the holder of the permit, and a public hearing thereon, refuse to issue the license.

SEC. 116. Section 1615 of said code is amended to read:

Court action

1615. The holder of any permit to whom the board has refused to issue a license, may bring an action in the superior

court within 30 days after the refusal, to review the order and to obtain a decree requiring the issuance of the license.

SEC. 117. Section 1618 of said code is amended to read:

Use enjoined until final court action

1618. Until the order of the board refusing to issue the license is finally reversed or modified 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. 118. Section 1625 of said code is amended to read:

License form and contents

1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

SEC. 119. Section 1650 of said code is amended to read:

Filing of copies of licenses and modification orders

1650. A true copy of each license issued or of each order modifying or changing a license shall within 30 days after issuance thereof be filed by the board in the office of the recorder of the county in which the point of diversion specified in the license lies or in case there are points of diversion lying in more than one county then in each of those counties in which a point of diversion lies and in case the place or places of use specified in the license are in different counties than the point or points of diversion also in the county or counties in which the place or places of use lie.

SEC. 120. Section 1651 of said code is amended to read:

Order of revocation

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 or in case the order of revocation has been modified by a court the order as finally decreed by the court shall be filed as herein provided.

SEC. 121. Section 1675 of said code is amended to read:

Wrongful use

1675. If it appears to the board at any time after a license is issued that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, may revoke the license and declare the water to be subject to appropriation in accordance with this part. As used in this section "licensee" includes the heirs, successors, or assigns of the licensee.

"Licensee"

SEC. 122. Section 1676 of said code is amended to read:

Findings

1676. The findings and declaration of the board on the revocation of a license shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction.

SEC. 123. Section 1701 of said code is amended to read:

Change of use, etc

1701. At any time after notice of an application is given, an applicant, permittee, or licensee may change the point of diversion, place of use, or purpose of use from that specified in the application, permit, or license; but such change may be made only upon permission of the board.

SEC. 124. Section 1702 of said code is amended to read:

1702. Before permission to make such a change is granted the petitioner shall establish, to the satisfaction of the board, and it shall find, that the change will not operate to the injury of any legal user of the water involved. No injury to legal user

SEC. 125. Section 1703 of said code is amended to read:

1703. After filing a petition for permission to make such a change, the petitioner, in case the board so requires, shall cause notice thereof to be given or published in such manner as may be prescribed by the board. Notice

SEC. 126. Section 1704 of said code is amended to read:

1704. If at any time prior to the granting of permission to make such a change a protest is filed with the board against allowance of the proposed change the board shall fix a time and place for the hearing of the petition and of objections thereto. Protest

SEC. 127. Section 1705 of said code is amended to read:

1705. After the hearing the board shall grant or refuse, as the facts warrant, permission to change the point of diversion, place of use, or purpose of use. Hearing

SEC. 128. Section 1752 of said code is amended to read:

1752. The board shall determine the pro rata and other costs provided for in this chapter. Pro rata and other costs

SEC. 129. Section 1775 of said code is amended to read:

1775. If at any time it appears to the board, after a hearing of the persons interested and an investigation, that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water made pursuant to the Water Commission Act or this code has not developed or cannot develop the full capacity of the stream at the point where the works have been or are being built or constructed, and that the holder of the appropriation will not or cannot, within a period deemed to be reasonable by the board, develop the stream at that point to such capacity as the board deems to be required by the public good, the board may permit the joint occupancy and use, with the holder of the appropriation, to the extent necessary to develop the stream to its full capacity or to such portion of its capacity as may appear to the board to be advisable, by any persons applying therefor, of any such works. Joint utilization

SEC. 130. Section 1776 of said code is amended to read:

1776. The board shall take into consideration the reasonable cost of the original and new work, the good faith of the applicant, the market for water or power to be supplied by the original and the new work, and the income or use that may be required to provide fair and reasonable returns upon such cost. Consideration of factors

SEC. 131. Section 1781 of said code is amended to read:

1781. If any of the water is used or to be used for purposes other than those specified in this article, the applicant shall pay to the person owning the works such a pro rata portion of the total cost of the old and new works as appears to the board to be just and equitable. Other use

SEC. 132. Section 1800 of said code is amended to read:

Supplementing use and works

1800. If it appears to the board that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water under the Water Commission Act or this code, will not develop the full capacity of the stream at that point, and that the public good requires it, and the board specifically so finds after investigation and hearing of the persons interested, the board may permit any person to repair, improve, add to, supplement, or enlarge, at his own expense, any works already so built or constructed or in process of being so built or constructed under the provisions of this division, and to use the works jointly with the owners thereof.

SEC. 133. Section 2000 of said code is amended to read:

Reference to board of issues

2000. In any suit brought in any court of competent jurisdiction in this State for determination of rights to water, the court may order a reference to the board, as referee, of any or all issues involved in the suit.

SEC. 134. Section 2001 of said code is amended to read:

2001. In any suit brought in any court of competent jurisdiction in this State for determination of rights to water, the court may refer the suit to the board for investigation of and report upon any or all of the physical facts involved.

SEC. 135. Section 2010 of said code is amended to read:

Report

2010. The board may base its report solely upon its own investigations or in addition thereto may hold hearings and take testimony.

SEC. 136. Section 2011 of said code is amended to read:

2011. The report of the board as referee may contain such opinion upon the law and the facts as it deems proper in view of the issues submitted.

SEC 137. Section 2013 of said code is amended to read:

2013. Before filing its report the board shall announce it in the form of a draft.

SEC. 138. Section 2014 of said code is amended to read:

2014. The board shall mail notice of the draft, together with a copy of the draft, to the parties or their attorneys.

SEC. 139. Section 2015 of said code is amended to read:

2015. Within 30 days after the date of the mailing of the draft any party may file objections to it with the board.

SEC. 140. Section 2016 of said code is amended to read:

2016. After the objections have been considered by the board or a hearing has been held thereon if deemed advisable by it, the board shall file its report as referee with the clerk of the court and give notice by mail of the filing of its report to the parties or their attorneys.

SEC. 141. Section 2017 of said code is amended to read:

Review

2017. The report of the board as referee is subject to review by the court upon exceptions thereto filed with the clerk of the court within 30 days after date of mailing notice of the filing of the report.

SEC. 142. Section 2018 of said code is amended to read:

2018. No exception to the report shall be considered, except in the court's discretion or for good cause shown, unless it appears that the matter of the exception was presented to the board in the form of an objection. Exception

SEC. 143. Section 2019 of said code is amended to read:

2019. The report filed by the board is prima facie evidence of the physical facts therein found; but the court shall hear such evidence as may be offered by any party to rebut the report or the prima facie evidence. Evidence

SEC. 144. Section 2020 of said code is amended to read:

2020. At any time after filing of the report by the board as provided in Section 2016 the board, if it appears that underground water is being pumped in an amount which, if not restricted, would destroy or irreparably injure the waters of the basin due to ocean water intrusion before final judgment can be had, may, on notice, pursuant to the provisions of Section 527 of the Code of Civil Procedure, apply to the court for a preliminary injunction, restricting the pumping of water of the basin so as to avoid irreparable injury to, or destruction of, the waters of the basin, and the court may issue the injunction, subject to the provisions of Section 2021, equitably restricting and apportioning the reduction in the pumping of water, without requiring bond. Injunction

The provisions of this section apply only to actions to determine rights to waters of underground basins located in the arid, southern coastal area defined by the exterior boundaries of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, and San Diego. Application

SEC. 145. Section 2040 of said code is amended to read:

2040. In acting pursuant to this chapter the board shall not be entitled to any fee for its services but shall be paid or reimbursed the total expense incurred by it, including salaries, wages, traveling expenses, and all costs of whatsoever character which are properly chargeable to the reference. Expenses

SEC. 146. Section 2041 of said code is amended to read:

2041. If the funds available for use by the board are inadequate to permit it to advance the expense of a reference, or if in its opinion the payment of the expense of any reference is not reasonably certain, the board shall refuse to undertake a reference unless and until adequate provision is made by the parties and approved by the court for the payment of the expenses. Payment

SEC. 147. Section 2042 of said code is amended to read:

2042. During the pendency of any reference, upon motion of the board and upon a hearing by the court after at least 10 days' notice to the parties, the court may order such interim or partial payments of the expense to be made by the parties as it deems proper and equitable under the circumstances. Partial payments

SEC. 148. Section 2043 of said code is amended to read:

2043. The total expense shall be equitably apportioned by the board against the parties to the suit, and a statement Total expenses

thereof and of the apportionment shall be sent by registered mail by the board to the parties and filed with the court.

SEC. 149. Section 2044 of said code is amended to read:

2044. Unless an objection is made to the court, the apportionments of the expense shall be paid by the respective parties in the amounts apportioned, within 30 days after mailing of notice of the filing of the report with the court by the board to the respective parties or their attorneys.

Expense and apportionment

SEC. 150. Section 2047 of said code is amended to read:

2047. If no objection is filed with the court within the prescribed period, the court upon ex parte application of the board shall enter an order approving the expense and its apportionment.

SEC. 151. Section 2049 of said code is amended to read:

Finality of order

2049. Upon the expiration of 30 days after notice of an order approving or determining the expense and its apportionment has been mailed by the board to the parties, the order becomes final and all apportionments of expense included therein shall become due and payable to the board by the respective parties, or their successors in interest, in the amounts so allocated.

SEC. 152. Section 2050 of said code is amended to read:

Execution

2050. Execution shall issue in favor of the board and against any party delinquent upon application therefor by the board in like manner and with like effect as execution upon a final judgment.

SEC. 153. Section 2075 of said code is amended to read:

Federal suit

2075. In case suit is brought in a federal court for determination of rights to water within, or partially within, this State, the board may accept a reference of such suit as master or referee for the court.

SEC. 154. Section 2076 of said code is amended to read:

Court rules

2076. In acting under this chapter the board shall proceed according to the rules of practice and procedure of the court or as otherwise directed by the court.

SEC. 155. Section 2501 of said code is amended to read:

Rights

2501. The board may determine, in the proceedings provided for in this chapter, all rights to water of a stream system whether based upon appropriation, riparian right, or other basis of right.

SEC. 156. Section 2525 of said code is amended to read:

Determination of water rights

2525. Upon petition signed by one or more claimants to water of any stream system, requesting the determination of the rights of the various claimants to the water of that stream system, the board shall, if, upon investigation, it finds the facts and conditions are such that the public interest and necessity will be served by a determination of the water rights involved, enter an order granting the petition and make proper arrangements to proceed with the determination.

SEC. 157. Section 2526 of said code is amended to read:

Notice

2526. As soon as practicable after granting the petition the board shall prepare a notice setting forth the facts of the

entry of the order and of the pendency of the proceedings, and the date when the board is to begin the examination. The notice shall state that all claimants to rights to the water of the stream system are required to make proof of their claims

SEC. 158. Section 2550 of said code is amended to read:

Investigation

2550. At the time set in the notice of the proceeding, the board shall begin an investigation of the stream system, of the conduits diverting water, and of the lands irrigated or irrigable therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights in the stream system.

SEC. 159. Section 2551 of said code is amended to read:

Record

2551. The board shall reduce its observations, data, information, and measurements to writing.

SEC. 160. Section 2552 of said code is amended to read:

Maps etc

2552. The board shall make surveys and prepare maps from the observations of the surveys in accordance with such uniform rules and regulations as it may adopt or from such other available data as it determines to be adequate for the purpose.

SEC. 161. Section 2554 of said code is amended to read:

Map record

2554. Maps shall be prepared as the surveys and observations progress, and, when completed, shall be filed and made of record in the office of the board.

SEC. 162. Section 2575 of said code is amended to read:

Filing of proofs

2575. Upon the completion of the measurements and maps and the filing of the observations, data, information, and measurements, the board shall prepare a notice setting forth the date prior to which the proofs as to the rights to the water of the stream system shall be filed.

SEC. 163. Section 2577 of said code is amended to read:

Publication

2577. The notice shall be published by the board for a period of four consecutive weeks in one or more newspapers of general circulation published in each county in which any part of the stream system is situated.

SEC. 164. Section 2578 of said code is amended to read:

Personal notice

2578. At or near the time of the first publication of notice the board shall send by registered mail to each claimant to rights to water of the stream system, insofar as such claimant can be reasonably ascertained, at his last known place of address, a notice equivalent in terms to the published notice.

SEC. 165. Section 2600 of said code is amended to read:

Blank forms of proofs

2600. The board shall inclose with the notice to file proofs, blank forms of proofs. The claimant shall present in writing upon the forms all particulars the board determines to be necessary for the determination of his right to the water of the stream system, together with such other information as the claimant may deem pertinent.

SEC. 166. Section 2601 of said code is amended to read:

Statement of proof

2601. The statement of proof shall include all of the following:

(a) The name and post-office address of the claimant.

(b) The nature of the right or use on which the claim is based.

(c) The date of the initiation of the right and a description of any works of diversion and distribution.

(d) The date of beginning of construction.

(e) The date when completed.

(f) The dates of beginning and completion of enlargements.

(g) The dimensions of any ditch as originally constructed and as enlarged.

(h) The date when water was first used for irrigation or other beneficial purposes, and if used for irrigation, the amount of land irrigated the first year, the amount in subsequent years, with the dates of irrigation and the area and the location of the lands which are intended to be irrigated.

(i) The character of the soil and the kind of crops cultivated

(j) Such other facts as the board requires to show the extent and nature of the right and a compliance with the law in acquiring it.

SEC. 167. Section 2603 of said code is amended to read:

Extension of time

2603. After the date fixed for the filing of proofs, no proofs shall be received or filed unless the, for cause shown, extends the time in which proofs may be filed.

SEC. 168. Section 2604 of said code is amended to read:

Board determination

2604. Upon neglect or refusal of any person to make proof of his claim prior to the expiration of the period during which proofs may be filed, the board shall determine the right of such person on such evidence as it may obtain or may have on file in its office in the way of maps, plats, surveys, and transcripts.

SEC. 169. Section 2625 of said code is amended to read:

Abstract of proofs

2625. As soon as practicable after the expiration of the period for filing proofs, the board shall assemble all proofs which have been filed and prepare and certify an abstract of them. The abstract of proofs shall be filed in the office of the board and may be printed in the State Printing Office.

SEC. 170. Section 2626 of said code is amended to read:

Inspection by interested persons

2626. As soon as practicable after the abstract is filed, the board shall prepare a notice of the filing of it and setting a time and fixing a place, reasonably convenient to the claimants, when and where the evidence taken by or filed with the board will be open to the inspection of all interested persons.

SEC. 171. Section 2627 of said code is amended to read:

Period of inspection

2627. The period of inspection shall be fixed by the board but shall be not less than 10 days.

SEC. 172. Section 2629 of said code is amended to read:

Interested persons

2629. A representative of the board shall be present at the time and place designated in the notice, and shall permit, during the period of inspection, any person interested to inspect such evidence and proofs as have been filed in accordance with this chapter.

SEC. 173. Section 2650 of said code is amended to read:

Notice of contest

2650. If any claimant desires to contest any of the statements contained in the proofs of claims filed by any other claimant to the water of the stream system, he may file a notice of contest with the board.

SEC. 174. Section 2651 of said code is amended to read:

Period of time

2651. The notice of contest shall be filed within 15 days after the expiration of the period during which the evidence and proofs are open to public inspection or within such further time as for good cause shown may be allowed by the board upon application made prior to the expiration of said 15 days.

SEC. 175. Section 2655 of said code is amended to read:

2655. Within 10 days after the receipt of the notice of contest the board shall notify by registered mail the contestant and the claimant whose rights are contested to appear before it at a time and place specified and that at said time and place the contest will be heard.

SEC. 176. Section 2657 of said code is amended to read:

Adjourn hearings

2657. The board may adjourn hearings of contests from time to time upon reasonable notice to all parties in interest.

SEC. 177. Section 2658 of said code is amended to read:

Costs

2658. The costs of taking testimony at a hearing on a contest shall be borne by the parties thereto as follows: each party shall pay for the direct examination of his own witness and the cross-examination of opponent's witness, and the parties shall share equally for that part of the examination directed by the representative of the board.

SEC. 178. Section 2659 of said code is amended to read:

Copy of testimony

2659. One copy of the transcript of testimony taken at the hearing shall be furnished to the board at the cost of the parties.

SEC. 179. Section 2700 of said code is amended to read:

Order of determination

2700. As soon as practicable after the hearing of contests or the expiration of the time for filing notice of contest, the board shall make and cause to be entered of record in its office an order determining and establishing the several rights to the water of the stream system.

SEC. 180. Section 2701 of said code is amended to read:

Rehearing

2701. Within 30 days after notice by the board to the parties of entry in the records of the board of an order of determination, the board may, for good cause shown, reopen the proceedings and grant a rehearing.

SEC. 181. Section 2702 of said code is amended to read:

Certification and printing

2702. The order of determination shall be prepared and certified by the board and may be printed in the State Printing Office.

SEC. 182. Section 2725 of said code is amended to read:

Petition to intervene

2725. Any claimant upon whom no service of notice of the pendency of proceedings under this chapter has been made and who has had no actual knowledge or notice of the pendency of the proceedings, may, at any time prior to the expiration of

three months after the entry of the order of determination of the board, file a petition to intervene in the proceedings.

SEC. 183 Section 2750 of said code is amended to read:

Filing order, etc.

2750. As soon as practicable after the entry of the order of determination a certified copy of the order, together with the original evidence and transcript of testimony filed with or taken before the board and certified by it, shall be filed with the clerk of the superior court of the county in which the stream system or some part thereof is situated.

SEC. 184. Section 2751 of said code is amended to read:

Court hearing

2751. Upon the filing of the certified copy of the order of determination and the evidence and transcript, the board shall procure an order from the court setting a time for hearing.

SEC. 185. Section 2752 of said code is amended to read:

Certified copy

2752. The clerk of the court shall immediately furnish the board with a certified copy of the order setting the time for hearing.

SEC. 186. Section 2753 of said code is amended to read:

Mailing of copy

2753. Upon receiving the certified copy of the order setting the time for hearing, the board shall immediately mail a copy of the order by registered mail to each known party in interest at his last known place of residence.

SEC. 187. Section 2754 of said code is amended to read:

Publication

2754. The board shall cause the order to be published at least once a week for four consecutive weeks in some newspaper of general circulation published in each county in which the stream system or any part thereof is situated.

SEC. 188. Section 2755 of said code is amended to read:

Proof of service

2755. The board shall file with the clerk of the court proof of service by registered mail and by publication.

SEC. 189. Section 2759 of said code is amended to read:

Notice of exceptions

2759. A copy of each notice of exceptions shall be transmitted by registered mail at least 10 days prior to the hearing to the board and to each claimant who was an adverse party to any contest wherein the exceptor was a party.

SEC. 190. Section 2762 of said code is amended to read:

Court decree

2762. If no exceptions are filed, then on the day set for the hearing, on motion of the board, the court shall enter a decree affirming the order of determination.

SEC. 191. Section 2767 of said code is amended to read:

Additional evidence

2767. The court may take additional evidence on any issue and may, if necessary, refer the case for such further evidence to be taken by the board as the court may direct, and may require a further determination by the board.

SEC. 192. Section 2771 of said code is amended to read:

Appeal

2771. Appeals from the decree may be taken by the board or any party in interest, in the same manner and with the same effect as in civil cases.

SEC. 193. Section 2772 of said code is amended to read:

Recording

2772. A certified copy of the decree shall be prepared by the clerk of the court, without charge, and filed for record in

the office of the county recorder of each county in which any part of the stream system is situated and also in the office of the board.

SEC. 194. Section 2800 of said code is amended to read:

Time limit

2800. In making an order of determination, the board may fix a time limit for the completion of all appropriations of water from the stream system which have been initiated according to law and since prosecuted with reasonable diligence.

SEC. 195. Section 2801 of said code is amended to read:

Incomplete appropriation

2801. All persons claiming rights under an incomplete appropriation, when notified as provided in this chapter, shall appear and submit their proofs of claim in accordance with this chapter, or they shall be deemed and held to be in default and to have abandoned or to have no right, title, or interest in or to the water of the stream system, other than as the person may be found to be entitled by the board based on available information and data.

SEC. 196. Section 2802 of said code is amended to read:

Completion

2802. In determining rights based on an incomplete appropriation, the board shall prescribe such a reasonable time for the completion of the appropriation and the application of the water to a beneficial use as will enable the claimant acting in good faith and with due diligence to complete the appropriation.

SEC. 197. Section 2810 of said code is amended to read:

Hearing the motion

2810. After hearing the motion the court shall refer the matter of the motion to the board for its report and recommendation thereon.

SEC. 198. Section 2811 of said code is amended to read:

Extension of time

2811. Upon receipt of the report and recommendation of the board or, if the board fails to file its report and recommendations within 90 days after the reference, upon the expiration of that period, the court shall grant such an extension of time as there is, in its discretion, good and sufficient cause for, or shall deny the motion.

SEC. 199. Section 2816 of said code is amended to read:

Abandonment

2816. All persons claiming rights under incomplete appropriations who fail to complete their appropriations within the limit of time fixed by the board in its order of determination, or within such further time granted upon motion made prior to the expiration of the time limit as the court finds equitable and just, shall be deemed to have abandoned their rights of appropriation insofar as the same remain incomplete, and such appropriators shall be deemed and held to have no right, title or interest in or to the water of the stream system insofar as their appropriations have not been completed.

SEC. 200. Section 2817 of said code is amended to read:

Appeal

2817. Appeals from any action of the court under this article may be taken by the board or any party in interest in the same manner and with the same effect as in civil cases.

SEC. 201. Section 2825 of said code is amended to read:

Decree

2825. The board shall furnish to each claimant whose rights are decreed a copy of the decree and a notice of the entry thereof.

SEC. 202. Section 2826 of said code is amended to read:

Supplemental decree

2826. Upon entry of a supplemental decree establishing a right the board shall furnish to each claimant a copy of the supplemental decree and a notice of entry thereof.

SEC. 203. Section 2850 of said code is amended to read:

Filing fee

2850. At the time of submission of proofs, the board shall collect from each claimant a fee of five dollars ($5) for each proof filed by the claimant.

SEC. 204. Section 2851 of said code is amended to read:

Expenses

2851. At the time of, or as soon as practicable after the mailing of, its order of determination the board shall compute the entire expense it has incurred in performing the duties prescribed in this chapter, including salaries, wages, traveling expenses, and all costs of whatever character which are properly chargeable to the proceeding.

SEC. 205. Section 2852 of said code is amended to read:

Expense apportionment

2852. If the total amount of expense exceeds the total amount received from claimants at the time of submission of proofs, the excess expense shall be equitably apportioned by the board against the parties to the proceeding.

SEC. 206. Section 2853 of said code is amended to read:

2853. A statement setting forth the expense and the apportionments thereof against the respective parties shall be sent by registered mail by the board to each of the parties and filed with the court.

SEC. 207. Section 2857 of said code is amended to read:

Approving order

2857. If no objection is filed with the court within the prescribed period, the court upon ex parte application of the board shall enter an order approving the expense and its apportionment.

SEC. 208. Section 2860 of said code is amended to read:

2860. Upon the expiration of 30 days after notice of an order approving or determining the expense and its apportionment has been mailed by the board to the parties, the order becomes final and all apportionments included therein shall then become due and payable to the board by the respective parties, or their successors in interest, in the amounts so allocated.

SEC. 209. Section 2862 of said code is amended to read:

Disposition of money

2862. All money paid to or collected by the board, as provided in this article, shall be paid, at least once each month, accompanied by a detailed statement thereof, into the Water Commission Revolving Fund, which fund is continued in existence.

SEC. 210. Section 2863 of said code is amended to read:

Use of money in revolving fund

2863. All or any part of the money in the Water Commission Revolving Fund may be drawn from the State Treasury upon the approval of the Department of Finance without the

submission of receipts, vouchers, or itemized statements, and used by the board in paying costs of making determinations of water rights as provided in this part.

SEC. 211. Section 2864 of said code is amended to read:

Insufficient funds

2864. If the funds available for use by the board are inadequate to enable it to undertake the expense of any proceeding under this chapter or if in its judgment reimbursement for the expense of any such proceeding is not reasonably certain, it may refuse to proceed with its investigation and to undertake the proceeding, unless and until such provision is made by persons interested as may be satisfactory to the board and deemed by it sufficient to secure reimbursement or payment to it for its expenses.

SEC. 212. Section 2865 of said code is amended to read:

Report of transactions

2865. The board shall, within 30 days prior to the regular session of the Legislature, submit to the Governor a full and true report of transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period.

SEC. 213. Section 2900 of said code is amended to read:

Modification of decrees

2900. In rendering its decree for the determination of rights to water, whether in suits referred to the board under the provisions of Chapter 1 of this part or in adjudications under the provisions of Chapter 3 of this part, the court may provide that the board or any party affected by the decree may, at any time within three years from entry thereof, apply to the court for a modification of the decree insofar only as the decree determines quantities of water, and after hearing the motion and any competent and admissible evidence offered in support of or against the motion the court may modify the decree by increasing or decreasing the quantities of water therein allowed.

SEC. 214. Section 4332 of said code is amended to read:

Filing of certified copy

4332. On or before the first day of March of each year the Department of Water Resources shall file with the Department of Finance a certified copy of the statement provided for in this article.

SEC. 215. Section 4333 of said code is amended to read:

Budget transfer

4333. On receipt of the statement the Department of Finance shall provide for the transfer of one-half the amount of the budget therein contained from the general support funds of the Department of Water Resources to the State Watermaster Service Fund to the credit of the service area for which the budget was prepared.

SEC. 216 Section 4359 of said code is amended to read:

Filing of service area statement

4359. On or before the first day of March of each year the Department of Water Resources shall file with the Department of Finance a certified copy of each service area statement provided for in this part.

SEC. 217. Section 4360 of said code is amended to read:

Budget transfer

4360. On receipt of the statement the Department of Finance shall provide for the transfer of one-half the amount

of each budget therein contained from the general support funds of the Department of Water Resources to the State Watermaster Service Fund to the credit of the respective service areas for which such budgets were prepared.

SEC. 218. Section 5000 of said code is amended to read:

5000. As used in this Part 5, the following terms shall have the respective meanings stated below, viz.:

Definitions

(a) "Ground water" means water beneath the surface of the ground whether or not flowing through known and definite channels.

(b) "Surface water" means water on the surface of the ground.

(c) "Five counties" means the Counties of Riverside, San Bernardino, Los Angeles, Ventura and Santa Barbara.

(d) "Person" means all persons whether natural or artificial, including the United States of America, the State of California, and all political subdivisions, districts, municipalities and public agencies of or in either the State or the United States.

(e) "Sources" means any point of diversion or extraction of water and includes among other things wells, tunnels, and headworks.

SEC. 219. Section 5001 of said code is amended to read:

Notice of filing

5001. Each person who, after 1955, extracts ground water in excess of 25 acre-feet in any year shall, file with the board on or before March 1st of the succeeding year a "Notice of Extraction and Diversion of Water" (hereinafter called "notice") in the form provided in Section 5002; provided, however, that no notice need be filed with respect to, and there shall not be required to be included in any such notice, (a) information concerning the extraction or diversion of water from a source from which less than 10 acre-feet has been taken during such year, or (b) information concerning a taking or diversion of surface water for the purpose of generating electrical energy and other nonconsumptive uses, and for incidental uses in connection therewith.

SEC. 220. Section 5002 of said code is amended to read:

Contents

5002. Each notice shall be on a form provided by the board. The first notice filed by any person shall state:

(a) The name of the person extracting ground water or diverting surface water.

(b) The quantity of water taken and the method of measurement used by such person or his predecessor in interest in each preceding year from each surface or ground water source; provided, that if the period of such taking exceeds 10 years, such person is not required to state such quantities for any period greater than the preceding 10 calendar years.

(c) The location (sufficient for identification) of each surface or ground water source through or by means of which water has been taken, and if any person or persons other than the person filing said notice claims any interest in such source

or the right to extract water therefrom, the name or names, so far as known, of such other person or persons.

(d) A general description of the area in which such water has been used.

(e) Any other facts which the board may require by general regulation and which tend to prove the facts required by this section to be stated, the origin of water supplying any ground water source mentioned in the notice, water levels in any such source, or the extent of any ground water basin from which such water is withdrawn.

(f) Any person diverting only surface water and not more than 25 acre-feet of ground water in any year need not file such notice for such year.

Notices, other than the first notice filed, shall state, in addition to the name of the person extracting or diverting such water:

First: The quantity of water taken from each surface and ground water source from which such person received any water in the preceding calendar year.

Second: Location of each such surface and ground water source through or by means of which water has been taken in such preceding year. This may be stated, so far as applicable, by reference to the water sources described in the original notice.

Third: If such person diverts surface water in excess of three miner's inches, such person shall further state in said notice the period or periods of such diversion, and the maximum and minimum flows so diverted in each period.

Fourth: Any other facts which the board may require by general regulation, and which tend to prove facts required by this subdivision to be stated, the origin of water supplying any surface or ground water source mentioned in the notice, water levels or flow in any such source, or the extent or origin of the water source supplying the ground water supply from which such water is extracted.

SEC. 221. Section 5003 of said code is amended to read:

5003. No prescriptive right which might otherwise accrue to extract ground water shall arise or accrue to, nor shall any statute of limitations operate in regard to such ground water in the five counties or any of them after the year 1956 in favor of any person required to file such notice of extraction and diversion of water, until such person shall file with the board the first "Notice of Extraction and Diversion of Water" substantially in the form mentioned in Section 5002; and as to each person who fails to file such notice by the end of the year 1957, it shall be deemed for the period from that time until the first notice of such person is filed, that no claim of right to the extraction of ground water from any such source in the five counties has been made by such person, and that water so extracted by such person from such ground water source during such period has not been devoted to or used for any beneficial use. The beneficial use of water from any ground

Prescriptive right, etc

water source within the five counties in any year by such person shall be deemed not to exceed the quantity reported in the notice filed for such year.

SEC. 222. Section 5004 of said code is amended to read:

Failure to file

5004. After the year 1959, failure to file with the board a notice for any calendar year within six months after the close of such calendar year shall be deemed equivalent for all purposes to nonuse for such year of any ground water within the five counties by each person failing to so file a notice within said period; provided, that this section and Section 5003 shall not apply to any person whose aggregate extractions of ground water in any year does not exceed 25 acre-feet nor to any extractions of ground water with respect to which no notice is required to be filed under this part.

SEC. 223. Section 5006 of said code is amended to read:

Filing fee

5006. Each notice shall be sworn to and shall be accompanied by a filing fee which shall be fixed by the board. Such filing fees shall be fixed so as to be sufficient on the average to pay the administrative expenses of the division in listing and processing notices of the character presented, and may be graduated in accordance with the number of water sources from which extractions or diversions are shown.

SEC. 224. Section 5007 of said code is amended to read:

Investigation

5007. Any person may apply to the board to investigate the facts stated in any specified notice so filed and to state in writing its determination of the facts found by it upon such investigation. The cost of such investigation and determination shall be paid by such applicant by such deposits or in such payments as may be fixed by the board. In the event the board makes a determination which differs in any material respect from the facts contained in the notice, then, prior to making its final determination, the board shall notify both the person filing said notice and the person requesting a determination of facts of its proposed findings, and shall invite either party to submit further information prior to making its final determination, and no such final determination shall be made until sixty (60) days after the parties have been so notified of the board's proposed determination.

Evidence

In any action or proceeding hereafter pending in which the facts, or any of them, contained in the notices so filed are material, such notices shall not be evidence of any fact stated therein, but such determination by the board shall be prima facie evidence of said facts.

Repeals

SEC. 225. Sections 6001, 6050, and 6051 of said code are repealed.

SEC. 226. Section 7045 of said code is amended to read:

Powers

7045. No acts authorized by this chapter shall limit the powers of the Department of Water Resources to accomplish in its own way the purposes of this chapter nor interfere with the construction of any flood control works in accordance with any plan of flood control adopted by the Reclamation Board.

SEC. 227. Section 7076 of said code is amended to read:

7076. Every person who hereafter digs, bores or drills a water well, or who deepens or reperforates any such well, shall file with the appropriate regional water pollution control board a report of completion of such well within 30 days after its construction or repair has been completed. Water well completion

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of exact location of the well; (b) detailed log of the well; (c) description of type of construction; (d) details of perforation; and (f) methods used for sealing-off surface or contaminated waters. Report

SEC. 228. The title of Chapter 2, Part 2, Division 5 of said code is amended to read:

CHAPTER 2. GENERAL POWERS OF DEPARTMENT OF WATER RESOURCES

SEC. 229. Section 8300 of said code is amended to read:

8300. The department may make examinations of lands subject to inundation and overflow by flood waters and of the waters causing the inundation or overflow and may make plans and estimates of the cost of works to regulate and control the flood waters. Examinations

SEC. 230. Section 8305 of said code is repealed. Repeal

SEC. 231. The title of Article 2, Chapter 3, Part 2, Division 5 of said code is amended to read:

Article 2. Powers and Duties of Department of Water Resources

SEC. 232. Section 8360 of said code is amended to read:

8360. On behalf of the State the department has supervisory powers over the maintenance and operation of the flood control works of the Sacramento River Flood Control Project. Supervisory powers

SEC. 233. Section 8361 of said code is amended to read:

8361. The department shall maintain and operate on behalf of the State the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of such maintenance and operation shall be defrayed by the State. Units maintained and operated

(a) The east levee of the Sutter Bypass north of Nelson Slough.

(b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No. 2035, Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.

(c) The collecting canals, sumps, pumps and structures of the drainage system of Project No. 6 east of the Sutter Bypass.

(d) The bypass channels of the Butte Slough Bypass, the Sutter Bypass, the Tisdale Bypass, the Yolo Bypass and the Sacramento Bypass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(e) The levees of the Sacramento Bypass.

(f) The channels and overflow channels of the Sacramento River and its tributaries within the Sacramento and San Joaquin Drainage District.

(g) The Knights Landing ridge cut flowage area.

(h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.

(i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.

(j) All weirs and relief structures.

(k) The west levee of the Yolo Bypass, extending from the west end of the Fremont Weir southerly to the Cache Creek Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo Bypass from Fremont Weir southerly two miles.

(*l*) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.

(m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek Settling Basin.

(n) The flowage area of Western Pacific Intercepting Canal extending northerly for a distance of five miles from Bear River.

SEC. 234. Section 8362 of said code is amended to read:

Contribution and expenditure

8362. The department may contribute funds to the United States and expend funds appropriated or otherwise available to provide all lands, easements, and rights of way for bank revetment for the protection of levees above Cache Slough and the levee reconstruction, including the costs of all alterations to highways, road crossings, and drainage and irrigation facilities incident to the work and the State's contribution of one-third of the costs of bank revetment and levee construction, as provided for and required under the provisions of the Act of Congress, Public No. 392, Seventy-fifth Congress, approved August 26, 1937.

SEC. 235. Section 8373 of said code is amended to read:

Report

8373. A certified copy of the report shall be filed with the department on or before the following July 1st, and the original of the report shall be filed in the office of the governing body and shall be open to public inspection.

SEC. 236. Section 8400 of said code is amended to read:

8400. Unless the context otherwise requires the following definitions apply to Articles 4, 5, and 6 of this chapter:

Definitions

(a) "Department" means the Department of Water Resources.

(b) "Board" means the State Reclamation Board.

(c) "Project" means any project concerning which assurances shall have been given to the Secretary of War, pursuant to Article 2 of Chapter 3 of Part 4 of this division of this code, that the State will maintain and operate works after completion in accordance with regulations prescribed by the Secretary of War.

(d) "Maintenance" means work required as maintenance on any project as defined in regulations prescribed by the Secretary of War.

(e) "Maintenance area" means described or delineated lands which are found by the board to be benefited by the maintenance and operation of a particular unit of a project.

(f) "Unit" means any portion of the works of a project designated as a unit by the board, other than the works prescribed in Section 8361 of this code, or works operated and maintained by the United States.

(g) "Land" includes improvements.

(h) "Local agency" means and includes all districts and other agencies, public or private, responsible for the operation of works of any project under Section 8370 of this code, or any other law of this State, now in effect or hereafter enacted.

(i) "Revolving fund" means the Flood Control Project Maintenance Revolving Fund.

SEC. 237. Section 8550 of said code is amended to read:

8550. The Reclamation Board is continued in existence within the department, but the board shall continue to exercise and have all of its powers, duties, purposes, responsibilities, and jurisdiction.

Reclamation board

SEC. 238. Section 8562.5 is added to said code, to read:

8562.5. All meetings of the board shall be open and public.

Public meetings

SEC. 239. The title of Article 5 of Chapter 3 of Part 4 of Division 5 is amended to read:

Article 5. Cooperation Between Board and Department of Water Resources

SEC. 240. Section 8685 of said code is amended to read:

8685. The board may determine that any construction, repair work, maintenance, or operation of flood control works or structures shall be done by the department.

Construction, etc

SEC. 241. Section 8686 of said code is amended to read:

8686. The plans and specifications for the work shall be prepared and approved by the board and delivered to the department with a request that the work be done by the department.

Plans

SEC. 242. Section 8687 of said code is amended to read:

Control of work

8687. The work shall be done under the sole charge and direct control of the department.

SEC. 243. Section 8688 of said code is amended to read:

Costs

8688. The cost and expenses incurred by the department in connection with work under this article is a legal charge against the drainage district and shall be paid out of any applicable assessment or fund.

SEC. 244. Section 8689 of said code is amended to read:

Contracts

8689. Any contract let by the department for any work under this article shall be approved by the board before becoming effective.

SEC. 245. Section 8692 of said code is amended to read:

Machines, etc

8692. The board may furnish to the department any of its dredges, machines, appliances, tools, apparatus or other property which may be necessary or convenient for performing work delegated to the department.

SEC. 246. Section 8693 of said code is amended to read:

8693. The department shall advise and assist the board.

SEC. 247. Section 8694 of said code is amended to read:

Reimbursement

8694. The department shall be reimbursed by the board for any necessary expenses incurred by it under the direction of the board.

Repeals

SEC. 248. Sections 8698 and 8699 of said code are repealed.

SEC. 249. Section 8698 is added to said code, to read:

Cooperation

8698. It is the intent of the Legislature that the board shall cooperate with the department in all matters of mutual concern to the fullest extent practicable.

SEC. 250. Section 8732.5 is added to said code, to read:

Public hearings

8732.5. All hearings or partial hearings shall be open and public.

SEC. 251. The title of Division 6 of said code is amended to read:

DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES

SEC. 252. The title of Part 1 of Division 6 of said code is amended to read:

PART 1. ADOPTION OF STATE WATER PLAN

SEC. 253. Section 10000 of said code is amended to read:

"State Water Plan"

10000. The coordinated plan for the conservation, development, and utilization of the water resources of the State (except the project known as the "Trinity River Diversion," which is not approved) as set forth in the report thereon formulated and prepared by the Department of Public Works and transmitted to the Forty-ninth Session of the Legislature pursuant to Chapter 832 of the Statutes of 1929 shall be known as the "State Water Plan."

SEC. 254. The title of Part 2 of Division 6 of said code is amended to read:

PART 2. APPROPRIATION OF WATER BY DEPARTMENT OF WATER RESOURCES

SEC. 255. Section 10500 of said code is amended to read:

Applications

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State.

Filing

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the rules and regulations of the State Water Rights Board relating to the appropriation of water insofar as applicable thereto.

Priority

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1959, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

SEC. 256. Section 10504 of said code is amended to read:

Release or assignment

10504. The department may release from priority or assign any portion of any appropriation filed by it under this part when the release or assignment is for the purpose of development not in conflict with such general or coordinated plan. The assignee of any such application, whether heretofore or hereafter assigned, is subject to all the requirements of diligence as provided in Part 2 of Division 2 of this code. "Assignee" as used herein includes, but is not limited to, state agencies, commissions and departments, and the United States of America or any of its departments or agencies.

SEC. 257. Section 10505 of said code is amended to read:

Restriction

10505. No priority under this part shall be released nor assignment made of any appropriation that will, in the judgment of the department, deprive the county in which the appropriated water originates of any such water necessary for the development of the county.

SEC. 258. Section 10506 of said code is amended to read:

Cooperation

10506. Every state department or state officer, upon request of the department, shall furnish any service or assistance in the investigation of the need or feasibility of all or any part of such general or coordinated plan and the cost of construction, operation, and maintenance thereof, of the financing of construction and rates or returns that may be required to operate and maintain all or any part of the plan, of the amortization of bonded or other indebtedness that may be placed on all or any part of the plan for the cost of con-

struction thereof, and shall render any other service which the department deems necessary for the maintenance of any priority in the State for the purposes of all or any part or unit of the plan and the future development and completion of it in the public interest.

Repeal

SEC. 259. Section 11101 of said code is repealed.

SEC. 260. Section 11107 of said code is amended to read:

"Bond"

11107. Unless the context otherwise requires, "bond" means any bond or other written evidence of indebtedness which the department may issue under this part in order to secure funds with which to carry out the purposes of this part.

SEC. 261. Section 11127 of said code is amended to read:

Governmental function

11127. The department shall be regarded as performing a governmental function in carrying out the provisions of this part.

SEC. 262. Section 11131 of said code is amended to read:

Public land

11131. Whenever any land or rights of way of the State heretofore or hereafter dedicated to public use are necessary for the construction, operation, or maintenance of the project, the land or rights of way may be used therefor, but only in accordance with the terms and conditions of an agreement to be first entered into between the Department of Water Resources and the state department or other agency of the State having jurisdiction over or control and management of the land or rights of way.

SEC. 263. Section 11138 of said code is amended to read:

Transfer of money or property

11138. Money or property advanced or contributed may be immediately transferred or delivered to the department to be used for the purpose for which the advance or contribution was made.

SEC. 264. Section 11139 of said code is amended to read:

Agreements to repay

11139. The department may enter into an agreement with any state agency to repay any money or the value of any rights of way, labor, materials, or other property advanced or contributed; but no repayment therefor shall be made until all obligations issued by the department for the construction of the project have been fully redeemed and paid, and then only out of the revenues received from the operation of the project.

SEC. 265. Section 11140 of said code is amended to read:

Collection of revenue

11140. After all bonds issued have been fully redeemed and paid, the department may continue to collect revenues from the use and operation of the project for the purpose of reimbursing any state agency for any expenditures made by it and for the purpose of repayment of any amount the department shall have agreed to repay for money, rights of way, labor, materials, or other property advanced or contributed for the construction of the project or unit thereof.

SEC. 266. Section 11141 of said code is amended to read:

Use of contributions

11141. The department may receive and accept from any and all sources money, rights of way, labor, materials, or any other property for the construction, operation, or main-

tenance of the project or any unit or specific portion of any unit thereof or for any of the purposes of this part, and may agree with the person or entity so contributing to apply the money or property in the manner and for the purpose for which contributed, and the contribution shall thereupon be used and applied in accordance with the agreement.

SEC. 267. Article 5 of Chapter 1 of Part 3 of Division 6 of said code is repealed. Repeal

SEC. 268. The title of Article 6 of Chapter 1 of Part 3 of Division 6 of said code is renumbered to read:

Article 5. Record of Proceedings and Report to Governor

SEC. 269. Section 11155 of said code is amended to read:

11155. The State Controller, the State Treasurer, and the department shall keep full and particular account and record of all their proceedings under this part. Accounts and records

SEC. 270. Section 11156 of said code is amended to read:

11156. The State Controller, the State Treasurer, and the department shall transmit to the Governor an abstract of all proceedings under this part with an annual report, to be laid by the Governor before the Legislature biennially. The report may contain such suggestions for changes, alterations, or revisions of this part or for other legislation in aid of its purposes and objects as may be deemed advisable or expedient. Abstract of proceedings

SEC. 271. The title of Article 7 of Chapter 1 of Part 3 of Division 6 of said code is renumbered to read:

Article 6. Cooperation by State Officials

SEC. 272. Section 11160 of said code is amended to read:

11160. The department, the officials thereof, and all state officials may do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, and operation of the project and the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. Cooperation

SEC. 273. Section 11209 of said code is amended to read:

11209. The dam shall be built to such height and the power plant or plants shall be of such capacity as the department determines. The reservoir shall have such storage capacity as the department determines but the capacity shall be not less than 2,940,000 acre-feet of water. Specifications

SEC. 274. Section 11216 of said code is amended to read:

11216. The Contra Costa Conduit shall be of such capacity as the department determines to be necessary to furnish an adequate supply of water for industrial, agricultural, domestic, and other beneficial uses in the area served by it. Contra Costa Conduit

SEC. 275. Section 11220 of said code is amended to read:

San Joaquin Pumping System

11220. The unit designated as the San Joaquin Pumping System consists of a channel or canal with all necessary dams, pumping plants, conduits, and other works which the department determines to be necessary to convey a supply of water for irrigation and other beneficial uses from the lower Sacramento River into the San Joaquin Delta, and also adequate to convey and transport not less than 3,000 cubic feet of water per second from a point on the lower San Joaquin River southerly to the mouth of Fresno Slough.

SEC. 276. Section 11227 of said code is amended to read:

Specification

11227. The dam shall be built to such height and the power plant or plants shall be of such capacity as the department determines. The reservoir shall have such capacity as the department determines but the capacity shall be not less than 400,000 acre-feet of water.

SEC. 277. Section 11231 of said code is amended to read:

Madera Canal

11231. The Madera Canal shall be of such capacity as the department determines to be necessary to furnish an adequate supply of water for beneficial purposes in the area to be served by it.

SEC. 278. Section 11236 of said code is amended to read:

Friant-Kern Canal

11236. The Friant-Kern Canal shall be of such capacity as the department determines to be necessary to furnish an adequate supply of water for beneficial purposes in the area to be served by it.

SEC. 279. Section 11237 of said code is amended to read:

Pumps, etc

11237. The unit may include such pumps, supplemental dams, and other works as the department determines to be necessary for the economical and advantageous construction, operation, and maintenance of the unit.

SEC. 280. Section 11241 of said code is amended to read:

Tehama-Colusa Conduit

11241. The Tehama-Colusa Conduit shall be of such capacity as the department determines to be necessary to furnish an adequate supply of water for industrial, agricultural, domestic, and other beneficial uses in the area to be served by it.

SEC. 281. Section 11251 of said code is amended to read:

Tehama-Butte Conduit

11251. The Tehama-Butte Conduit shall be of such capacity as the department determines to be necessary to furnish an adequate supply of water for industrial, agricultural, domestic, and other beneficial uses in the area to be served by it.

SEC. 282. Section 11260 of said code is amended to read:

Feather River and San Joaquin Delta Diversion Projects

11260. The units set forth in publication of the State Water Resources Board entitled "Report on Feasibility of Feather River Project and Sacramento-San Joaquin Delta Diversion Projects Proposed as Features of the California Water Plan," dated May, 1951, as modified in the publication of the Division of Water Resources entitled "Program for Financing and Constructing the Feather River Project as the Initial Unit of the California Water Plan," dated February, 1955, subject to such further modifications thereof as the department may adopt,

and such units or portions thereof may be constructed by the department and maintained and operated by it to such extent and for such period as the department may determine, as units of the Central Valley Project separate and apart from any or all other units thereof.

SEC. 283. Section 11290 of said code is amended to read:

11290. The project includes such other units as may be from time to time added by the department to the units specifically enumerated. The department may add additional units which are consistent with and which may be constructed, maintained, and operated as a part of the project and in furtherance of the single object contemplated by this part. Additional units

SEC. 284. Section 11295 of said code is amended to read:

11295. In addition to the works specified, the units shall include such plants and works for the generation of electric power by steam or other power, and such electric transmission lines and facilities for the sale, use, and distribution of electric power as the department determines to be necessary for making a reasonable, proper, and advantageous sale, use, and distribution of electric power made available by the units. Electric facilities

SEC. 285. The title of Chapter 3, Part 3, Division 6 of said code is amended to read:

CHAPTER 3. THE DEPARTMENT OF WATER RESOURCES

SEC. 286. Article 1 of Chapter 3, Part 3, Division 6 of said code is repealed. Repeal

SEC. 287. The title of Article 2 of Chapter 3, Part 3, Division 6 of said code is renumbered to read:

Article 1. Administrative Provisions

SEC. 288. Sections 11410 to 11418, inclusive, of said code are repealed. Repeals

SEC. 289. Section 11419 of said code is amended to read:

11419. The department shall keep full and complete accounts concerning all matters and things relating to the project and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of the project. Accounts and financial statements

SEC. 290. The title of Article 3 of Chapter 3, Part 3, Division 6 of said code is renumbered to read:

Article 2. General Powers and Duties

SEC. 291. Section 11451 of said code is amended to read:

11451. The department shall have full charge and control of the construction, operation, and maintenance of the project and the collection of all rates, charges, and revenues from it. Control

SEC. 292. Section 11452 of said code is amended to read:

11452. The department shall proceed with the construction of the project immediately upon funds being available therefor Construction

and shall carry such work to completion as rapidly as possible.

SEC. 293. Section 11454 of said code is amended to read:

Regulations

11454. Under such regulations and upon such terms, limitations, and conditions as it prescribes, the department may do any of the following:

(a) Fix and establish the prices, rates, and charges at which the resources and facilities made available by the project shall be sold and disposed of.

(b) Enter into contracts and agreements and do any and all things which in its judgment are necessary, convenient, or expedient for the accomplishment of the purposes and objects of this part.

SEC. 294. Section 11455 of said code is amended to read:

Contracts

11455. The department shall enter into such contracts and fix and establish such prices, rates, and charges so as at all times to provide revenue which will afford sufficient funds to pay all costs of operation and maintenance of the works authorized by this part, together with necessary repairs and replacements thereto, and which will provide at all times sufficient funds for redemption of all bonds and payment of interest thereon, as and when such costs and charges become due and payable.

SEC. 295. The title of Article 4 of Chapter 3, Part 3, Division 6 of said code is renumbered to read:

Article 3. Limitation of Powers

SEC. 296. Section 11460 of said code is amended to read:

Prior right to water

11460. In the construction and operation by the department of any project under the provisions of this part a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall not be deprived by the department directly or indirectly of the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed, area, or any of the inhabitants or property owners therein.

SEC. 297. Section 11461 of said code is amended to read:

Application

11461. In no other way than by purchase or otherwise as provided in this part shall water rights of a watershed, area, or the inhabitants be impaired or curtailed by the department, but the provisions of this article shall be strictly limited to the acts and proceedings of the department, as such, and shall not apply to any persons or state agencies.

SEC. 298. Section 11462 of said code is amended to read:

Property rights

11462. The provisions of this article shall not be so construed as to create any new property rights other than against the department as provided in this part or to require the department to furnish to any person without adequate compensation therefor any water made available by the construction of any works by the department.

SEC. 299. Section 11463 of said code is amended to read:

11463. In the construction and operation by the department of any project under the provisions of this part, no exchange of the water of any watershed or area for the water of any other watershed or area may be made by the department unless the water requirements of the watershed or area in which the exchange is made are first and at all times met and satisfied to the extent that the requirements would have been met were the exchange not made, and no right to the use of water shall be gained or lost by reason of any such exchange. Water exchange

SEC. 300. Section 11464 of said code is amended to read:

11464. No water right, reservoir, conduit, or facility for the generation, production, transmission, or distribution of electric power, acquired by the department shall ever be sold, granted, or conveyed by the department so that the department thereby is divested of the title to and ownership of it. Prohibition against sale, etc

SEC. 301. Section 11465 of said code is amended to read:

11465. The department shall not make any change, alteration, or revision of any rates, prices, or charges established by any contract entered into pursuant to this part except as provided by the contract. Rates

SEC. 302. Section 11500 of said code is amended to read:

11500. Notwithstanding anything in this part to the contrary or in conflict herewith the department may do any or all of the following: Powers

(a) Enter into contracts with the United States for the construction, maintenance, or operation of all or any part of the project or for the financing thereof.

(b) Enter into contracts for the acquisition by the department of the works and properties of the project or any part thereof and for the repayment by the department of the cost thereof to the United States.

(c) Conform to such requirements, not otherwise inconsistent with the law of this State, as may be prescribed by the United States under congressional legislation now in effect or which may hereafter be adopted or under rules and regulations duly adopted thereunder.

(d) Otherwise cooperate with the United States to the end that the people of the State may receive the benefits to be derived from the construction, maintenance, and operation of the project.

SEC. 303. The title to Chapter 5, Part 3, Division 6 of said code is amended to read:

CHAPTER 5. CONSTRUCTION OF PROJECT BY THE DEPARTMENT OF WATER RESOURCES

SEC. 304. Section 11551 of said code is amended to read:

11551. The department shall design all works to be constructed under this part. Design

SEC. 305. Section 11552 of said code is amended to read:

11552. The department may construct the works or any portion thereof or may contract with the United States that Construction

the works or any portion thereof may be constructed by and through the department under the supervision and subject to the approval of the United States.

State Contract Act

SEC. 306. Section 11554 of said code is amended to read:

11554. All works constructed pursuant to this chapter shall be constructed under and in accordance with the provisions of the State Contract Act insofar as the provisions of that act are applicable, except that the amount of cash bidders' bonds or certified checks required to accompany any bid submitted, when bids relating to the construction of any works are called for, shall be fixed and determined by the department.

Contractor's bond

SEC. 307. Section 11555 of said code is amended to read:

11555. The department shall require of each contractor bonds for the faithful performance of any contract or subcontract and for the payment for any labor, materials, or supplies used in, upon, for, or about the performance of the work contracted to be done. The bonds shall fix such terms and conditions and be in such amounts as the department deems necessary.

Sufficiency of funds

SEC. 308. Section 11560 of said code is amended to read:

11560. The department shall construct the project when, in its judgment, appropriations, contributions, and revenues from all sources which are available or which will be made or become available upon, during, after, or before construction of the project, including contracts which the department may negotiate and enter into with responsible persons, public or private agencies, the United States, and state agencies for the sale or disposal of water, water flow, the use of water, water storage, electric power, or other resources and facilities to be made available by the project, are or will be available from such sources in such amounts and at such times as will afford funds sufficient to pay and discharge as and when the same become due and payable all cost and expense incurred prior to construction, and all cost and expense of construction, operation, and maintenance of the project, together with necessary repairs and replacements thereto, including funds sufficient to meet and pay, as and when they become due and payable, all bonds, with interest accruing thereon, within a period of not to exceed 70 years after the beginning of the construction of the project.

San Joaquin Pumping System

SEC. 309. Section 11565 of said code is amended to read:

11565. The construction of all or any part of the San Joaquin Pumping System may be deferred until such time as the department determines that the construction of it is required and is economically justified.

Other construction

SEC. 310. Section 11567 of said code is amended to read:

11567. The department shall ascertain and determine when the project or any unit thereof is completed and thereupon the project or unit shall be deemed completed for all purposes of this part.

SEC. 311. Section 11575 of said code is amended to read:

Acquisition of property

11575. For the purpose of constructing, maintaining, and operating the project the department may acquire for and in the name of the State, by gift, exchange, purchase, or eminent domain proceedings any and all water, water rights, rights of way, easements, land, electric power, power resources and facilities, and property or appurtenances thereto of every kind and description and any appurtenances to any such property as the department determines to be required and necessary for the proper construction, maintenance, and operation of the project and for effectuating the purposes and objects to be accomplished by the construction, maintenance, and operation of the project.

SEC. 312. Section 11577 of said code is amended to read:

Limitation

11577. Nothing in this chapter shall in any way interfere with or abridge the right of the department or of any state agency to acquire any property through the exercise of the right of eminent domain.

SEC. 313. Section 11580 of said code is amended to read:

Condemnation

11580. When the department cannot acquire any necessary property by agreement with the owner, the department may condemn and take the property in the name of the State under the provisions of the laws of this State relating to eminent domain proceedings.

SEC. 314. Section 11581 of said code is amended to read:

Declaration of public interest and necessity

11581. The department has no power to commence any proceedings in eminent domain unless and until it declares in writing that public interest and necessity require the acquisition of the property.

SEC. 315. Section 11582 of said code is amended to read:

Written declaration

11582. The written declaration of the department shall be conclusive evidence of all of the following:

(a) The public necessity of the acquisition.

(b) That the property is necessary.

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

SEC. 316. Section 11583 of said code is amended to read:

Appropriation to public use

11583. Where property has been appropriated to public use by any person, the use of the property for the same purpose by the department or by any state agency shall be deemed a more necessary public use than the use of the property by such person.

SEC. 317. Section 11584 of said code is amended to read:

Limitation

11584. No water which, prior to January 13, 1934, was appropriated, or for which application has been filed prior to January 13, 1934, and remains in good standing, nor any tunnels, canals, dams, and appurtenant works dedicated to public use prior to July 1, 1933, may be acquired by the department through eminent domain proceedings except, unless and until it is first determined in a court of competent jurisdiction that the use proposed to be made thereof by the depart-

ment is a more necessary public use than that to which it has already been appropriated or dedicated.

Eminent domain permitted

SEC. 318. Section 11586 of said code is amended to read:

11586. Where any water or property mentioned in Section 11584 has, prior to July 1, 1933, been filed on, appropriated, or dedicated to a public use by any state agency and the use proposed to be made thereof by the department is consistent with the continuance of the use thereof by the state agency for its purposes, the right to use such property for the purposes proposed by the department is common and consistent with the use being made thereof by the state agency and may be acquired by eminent domain.

Immediate possession

SEC. 319. Section 11587 of said code is amended to read:

11587. The department in the name of and for the State may take immediate possession and use of any property required for the construction, operation, or maintenance of the project upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction, and thereupon giving such security in the way of money deposited as the court in which the proceedings are pending directs, and in such amounts as the court determines to be reasonably adequate to secure to the owner of the property sought to be taken immediate compensation for the taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property.

Limitation on powers

SEC. 320. Section 11590 of said code is amended to read:

11590. The department has no power to take or destroy the whole or any part of the line or plant of any common carrier railroad, other public utility, or state agency, or the appurtenances thereof, either in the construction of any dam, canal, or other works, or by including the same within the area of any reservoir, unless and until the department has provided and substituted for the facilities to be taken or destroyed new facilities of like character and at least equal in usefulness with suitable adjustment for any increase or decrease in the cost of operating and maintenance thereof, or unless and until the taking or destruction has been permitted by agreement executed between the department and the common carrier, public utility, or state agency.

Expense

SEC. 321. Section 11591 of said code is amended to read:

11591. The expense of the department in complying with the requirements of this article is part of the cost of constructing the project.

Controversy

SEC. 322. Section 11592 of said code is amended to read:

11592 In the event the department and any common carrier railroad, other public utility, or state agency fail to agree as to the character or location of new facilities to be provided as required in this article, the character and location of the new facilities and any other controversy concerning requirements imposed by this chapter shall be submitted to and deter-

mined and decided by the Public Utilities Commission of the State.

SEC. 323. Section 11595 of said code is amended to read:

Powers

11595. Subject to the provisions of Section 11464, the department may do any of the following:

(a) Sell or otherwise dispose of any rights of way, easements, or property when it determines that they are no longer needed for the purposes of this part.

(b) Lease or rent rights of way, easements, or property.

(c) Take, receive, and apply for the purposes and objects of this part the income, profit, and revenue received from the sale, lease, rental, or other disposal.

SEC. 324. Section 11625 of said code is amended to read:

Contracting parties

11625. Any state agency, mutual water company, political subdivision, or other entity or organization may enter into contracts with the department for the purchase or for the use of water, water flow, water storage, electric power, or other resources and facilities made available by the project.

SEC. 325. Section 11626 of said code is amended to read:

Preference

11626. In entering into and awarding contracts, in case of equal or equivalent offers, including consideration of the cost of construction, operation, and maintenance of the necessary lines, plants, and other works to deliver the commodity or service which is to be delivered under the contracts, the department shall grant preference to state agencies or other organizations not organized or doing business for profit but primarily for the purpose of supplying water or electric power to their own citizens or members.

SEC. 326. Section 11627 of said code is amended to read:

Default

11627. Every contract made by the department for the sale of water, use of water, water storage, electric power, or other service shall provide that, in the event of any default in the payment of any money specified in the contract to be paid to the department, the department may, upon such notice as it determines, cease to furnish or deliver water, use of water, water storage, electric power, or other service under the contract.

SEC. 327. Section 11628 of said code is amended to read:

Other remedies

11628. The act of the department in ceasing on any default to furnish or deliver water, use of water, water storage, electric power, or other service under a contract shall not deprive the department of or limit any remedy provided by the contract or by law for the recovery of money due or which may become due under the contract.

SEC. 328. Section 11650 of said code is amended to read:

Duties

11650. In case of the award by the department of any contract or lease to any state agency for the furnishing of water, the use of water, water storage, electric power, or other service, upon demand made therefor by such state agency, the department shall construct, acquire, or otherwise provide the necessary works and facilities for transmitting the water, electric power, or other service to a central point from which the

water, electric power, or other service may be most conveniently distributed within the territory to be served under the contract or lease.

SEC. 329. Section 11651 of said code is amended to read:

Payment

11651. The governing body charged with the levying of taxes or assessments in any state agency which contracts to purchase from the department any water, use of water, water storage, electric power, or other service shall provide for the punctual payment to the department of all amounts which become due under the contract.

SEC. 330. Section 11654 of said code is amended to read:

Duration of moneys

11654. All money collected for taxes or assessments under this article shall be kept in a separate fund by the treasurer or other officer of the state agency charged with the safekeeping and disbursement of funds of the state agency, and, upon the written demand of the department, the treasurer or other officer shall pay over to the department all such money in his possession or control and the money shall be applied by the department to the satisfaction of the amount due under the contract.

SEC. 331. Section 11655 of said code is amended to read:

Action to compel collection, etc

11655. In the event of failure, neglect, or refusal of any officer of any state agency to levy any tax or assessment necessary to provide payment by the state agency under any contract with the department, to enforce or to collect the tax or assessment, or to pay over to the department any money collected on the tax or assessment the department may take such action in a court of competent jurisdiction as it deems necessary to compel the performance in their proper sequence of all duties relating to the levying and collection of the taxes or assessments and the payment of the money collected therefrom to the department.

SEC. 332. Section 11656 of said code is amended to read:

Other remedies

11656. The use by the department of any remedy specified in this article for the enforcement of any contract made with it is not exclusive and shall not deprive the department of, or limit the application of, any other remedy provided by law.

SEC. 333. Section 11661 of said code is amended to read:

Contracts

11661. In addition to the powers conferred by law, and not in derogation or in limitation thereof, any state agency may enter into and execute appropriate contracts with the department for any and all the purposes and objects of this part.

SEC. 334. Section 11663 of said code is amended to read:

Permitted contractual acts

11663. Any state agency may, in or pursuant to a contract with the department, do any or all of the following:

(a) Provide in the contract for the segregation and allocation of any or all revenues received by the state agency from the sale, use or distribution of any water, use of water, electric power, or other facilities to be received, used, or distributed by the state agency under the contract.

(b) Pursuant to the contract, segregate, allocate, and devote such revenues solely for the purpose of making payments to the department for water, use of water, electric power, or other facilities to be received, used, or distributed under the contract.

(c) Provide in the contract for the pledge of any or all such revenues for the purpose of securing to the department any payments which may become due under the contract.

(d) Pursuant to the contract, pledge such revenues for the purpose of securing to the department any payments which may become due under the contract.

(e) Promise and agree to establish and maintain a special account to be created in and from its general fund or other appropriate fund.

(f) Pursuant to subdivision (e) create, establish, and maintain such special account.

SEC. 335. Section 11664 of said code is amended to read:

11664. All funds accruing to a special account established pursuant to the next preceding section, or deposited therein, in compliance with the terms and provisions of any contract with the department constitute a trust fund for the purpose of making payments to the department as provided in the contract. Trust fund

SEC. 336. Section 11670 of said code is amended to read:

11670. Any contract or lease made by the department with any person, other than a state agency, providing for the furnishing by the department of water, the use of water, water storage, electric power, or other service for resale shall be subject to cancellation by the department upon five years' notice, and such a contract or lease shall be so canceled in whole or in part whenever the State or any financially responsible state agency makes application for the water, use of water, water storage, electric power, or other service, or any part thereof, covered by the contract or lease and enters into a contract or lease binding itself to take the water, use of water, water storage, electric power, or other service, or any part thereof, and pay for it at a rate or price at least equal to that specified in the contract or lease to be canceled and for a period at least equal to the unexpired portion of the term of such contract or lease. Cancellation

SEC. 337. Section 11671 of said code is amended to read:

11671. The department shall not cancel any contract or lease under the next preceding section unless and until it first determines and assures itself that notwithstanding the cancellation, it will receive and be paid a total revenue or consideration at least equal to that which would be received by it were the contract or lease not canceled, and within the unexpired portion of the term of the contract or lease. Conditions precedent

SEC. 338. Section 11700 of said code is amended to read:

11700. For the purpose of providing money and funds to pay the cost and expense of carrying out any of the objects Revenue bonds

and purposes of this part, the department may, from time to time, issue revenue bonds.

SEC. 339. Section 11701 of said code is amended to read:

Cost estimate

11701. Whenever the department determines that it is necessary to carry out any of the objects and purposes of this part, it shall prepare preliminary cost estimates, an estimate of the amount required to be raised for such purposes by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor, if any, to be contributed from other sources in aid thereof, and shall adopt a resolution declaring that the public interest and necessity require the carrying out of such objects and purposes and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such purposes.

Repeal

SEC. 340. Section 11702 of said code is repealed.

SEC. 341. Section 11705 of said code is amended to read:

Issuance and obligation

11705. Bonds shall be issued in the name of the department and shall constitute obligations only of the department and shall be identified as Central Valley Project revenue bonds.

SEC. 342. Section 11706 of said code is amended to read:

Restrictions

11706. Any provisions not inconsistent with this part may be contained in the proceedings authorizing the issuance of bonds which limit, restrict, or regulate the holding, deposit, investment, and application of money consisting of the proceeds from the sale of the bonds or the revenues received from the operation of the project, and such provisions shall constitute a contract with the holders of the bonds and be binding upon the department as long as the bonds are outstanding.

SEC. 343. Section 11707 of said code is amended to read:

Diminishing or impairing powers, etc

11707. While any bonds remain outstanding, the powers, duties, or existence of the department or any official or agency of the State shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of the bonds.

SEC. 344. Section 11708 of said code is amended to read:

Mandamus, etc

11708. The holder of any bond may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon any state department, official, or employee in connection with any of the following:

(a) The construction of the project.

(b) The collection, deposit, application, and disbursement of all revenues derived from the operation and use of the project.

(c) The deposit and disbursement of the proceeds received from the sale of bonds.

SEC. 345. Section 11710 of said code is amended to read:

Loans

11710. The department may contract loans and borrow money from the United States through the sale of bonds upon such conditions and terms as may be agreed to and such bonds shall be subject to all the provisions of this part except the

requirement that bonds be first offered at public sale pursuant to advertisement.

SEC. 346. Section 11711 of said code is amended to read:

11711. Temporary or interim bonds, certificates, or receipts, of any denominations and with or without coupons attached thereto, signed by the director, may be issued and delivered until the definitive bonds are executed and available for delivery. Interim bonds, etc

SEC. 347. Section 11712 of said code is amended to read:

11712. The purchase price of bonds shall be paid to the State Treasurer for the account of the department. Purchase price

SEC. 348. Section 11713 of said code is amended to read:

11713. Notwithstanding anything otherwise provided in this part, any expense incurred by the department for advertising, engraving, printing, clerical, legal, or other services necessary to properly perform the services and duties relating to the sale and issuance of bonds shall be paid from the proceeds of the sale of bonds. Expenses

SEC. 349. Section 11714 of said code is amended to read:

11714. The department shall return the appropriation made by Chapter 12 of the Statutes of 1935, or so much thereof as is used, with interest thereon at the rate of 4 percent per annum to the General Fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of the project under the provisions of this part. Return of appropriation

SEC. 350. Section 11730 of said code is amended to read:

11730. The department shall determine the form, conditions, and denominations of all bonds and the dates which the bonds shall bear. Form

SEC. 351. Section 11731 of said code is amended to read:

11731. The department shall determine the interest rate on the bonds. The rate shall not exceed 5½ percent per annum. Interest rate

SEC. 352. Section 11733 of said code is amended to read:

11733. Principal and interest on bonds shall be payable at such place or places as may be fixed and determined by the department. Place of payment

SEC. 353. Section 11735 of said code is amended to read:

11735. Bonds shall be issued in coupon form with interest payable at such times as may be determined by the department and shall mature at such times and in such amounts as the department prescribes. Coupon bonds

SEC. 354. Section 11736 of said code is amended to read:

11736. The department may provide for the retirement of bonds at any time or times prior to their maturity and in such manner and upon payment of such premiums as may be fixed and determined in the proceedings providing for the issuance of the bonds and referred to therein. Retirement

SEC. 355. Section 11737 of said code is amended to read:

11737. All bonds shall be signed by the director and countersigned by the Governor. Execution

SEC. 356. Section 11739 of said code is amended to read:

Signatures

11739. All interest coupons shall bear the facsimile signature of the director.

SEC. 357. Section 11750 of said code is amended to read:

Sales procedure

11750. Bonds may be issued and sold from time to time and in such amounts as may be deemed necessary in the judgment of the department to provide sufficient funds for the construction of the project and to pay all costs and expenses, including interest due and payable, prior to and during the period of actual construction thereof and for a period of one year after completion thereof and the proceeds from the bonds are hereby made available for this purpose.

SEC. 358. Section 11752 of said code is amended to read:

Successive issues

11752. Successive issues of bonds shall have equal preference with respect to the redemption thereof and the payment of interest thereon, but the department may fix different maturity dates serially or otherwise for successive issues.

SEC. 359. Section 11754 of said code is amended to read:

Bids

11754. All bonds issued and sold shall be sold on sealed proposals to the highest and best bidder after such advertising for bids as the department deems proper except that the department may reject all bids and thereafter sell the bonds at private sale under such terms and conditions as the department deems most advantageous but not at a price below that of the best bid which was rejected.

SEC. 360. Section 11762 of said code is amended to read:

Disbursement

11762. The department may agree with the purchaser of bonds upon any conditions or limitations restricting the disbursement of the proceeds that may be deemed advisable for the purpose of assuring the proper application of the proceeds.

SEC. 361. Section 11781 of said code is amended to read:

Surplus

11781. In the event the bonds cannot be purchased at a price satisfactory to the department and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of the bonds and shall be used for that purpose.

SEC. 362. Section 11800 of said code is amended to read:

Payments

11800. Money required to meet the costs of construction of the project and all expenses and costs incidental thereto and to meet the costs of operating and maintaining and making necessary replacements thereto shall be paid by the State Treasurer from the proper fund upon demand of the department. Payments shall be made after audit in the manner provided by law and upon warrants drawn by the State Controller.

SEC. 363. Section 11803 of said code is amended to read:

Deposits

11803. The department may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all money constituting the construction fund, and the revenue fund and may also provide for the deposit of such money at such times and with such depositaries or paying agents and upon the

furnishing of such security as may meet with the approval of the purchasers of the bonds.

SEC. 364. Section 11805 of said code is amended to read:

Proceeds and revenues

11805. Notwithstanding anything contained in this part, the proceeds received from the sale of bonds and the revenues received from the operation of the project may be used to defray any expenses incurred by the department in connection with and incidental to the issuance and sale of bonds for the construction of the project, including expenses for the preparation of surveys, plans, and estimates and the making of inspections and examinations required by the purchasers of bonds.

SEC. 365. Section 11806 of said code is amended to read:

Transfer of amounts

11806. The amounts required to be transferred by the State Treasurer as provided in this part shall be ascertained and computed by the department and the certificate of the department is conclusive and binding upon the State Treasurer.

SEC. 366. Section 11813 of said code is amended to read:

Construction fund

11813. All costs and expenses of the department, including interest due and payable, incurred in performing the duties prescribed in this part prior to and during the construction of the project and for a period of one year after completion thereof, shall be paid out of the construction fund.

SEC. 367. Section 11816 of said code is amended to read:

Revenues

11816. All revenues received from the operation of the project shall be paid over by the department at least monthly to the State Treasurer.

SEC. 368. Section 11820 of said code is amended to read:

Revenue fund

11820. After the expiration of one year after the completion of the project, all costs and expenses of the department, including interest due and payable, incurred in performing the duties prescribed in this part shall be paid out of the revenue fund.

SEC. 369. Section 11831 of said code is amended to read:

Retirement of bonds

11831. Any proceedings authorizing the issuance of bonds and providing for the setting up of a reserve fund may also require the immediate application of all surplus money in the revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of the department.

SEC. 370. Section 11841 of said code is amended to read:

Binding provisions

11841. The department may provide in the proceedings authorizing the issuance of bonds that the investment of surplus money shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the department and all officials having anything to do with such investment.

SEC. 371. Section 11842 of said code is amended to read:

Incidental purposes and replacements

11842. If the proceedings authorizing the issuance of bonds do not require surplus revenues to be held or applied in any

particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation, and maintenance of the project and for making necessary replacements thereto as the department may determine.

SEC. 372. Section 11850 of said code is amended to read:

Insurance

11850. When any of the works authorized by this part are being constructed by the department, the department may carry or cause to be carried such an amount of insurance or indemnity bonds as protection against loss or damage as the department deems proper.

SEC. 373. Section 11851 of said code is amended to read:

Accident or destruction

11851. The department may carry insurance to cover any accident or destruction in part or in whole to any works until all bonds and interest thereon have been fully redeemed and paid.

SEC. 374. Section 11853 of said code is amended to read:

Indemnity bonds

11853. The department may carry insurance or indemnity bonds insuring against the loss of revenues to be derived from the project by reason of any interruption in the use of the project, or any part thereof, from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the revenues are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the fund.

SEC. 375. Section 11854 of said code is amended to read:

Amount of insurance

11854. Insurance or indemnity bonds against loss of revenues may be in an amount equal to the probable revenues to be received from the use and operation of the project during any period of time that is determined upon and fixed by the department, and shall be paid for out of the revenue fund.

SEC. 376. Section 11855 of said code is amended to read:

Obligation to carry

11855. The department may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this part, and the purchase and carrying of such insurance shall thereupon be obligatory upon the department and be paid for out of the revenue fund.

Repeal

SEC. 377. Section 12572 of said code is repealed.

SEC. 378. Section 12585 of said code is amended to read:

Financial assistance

12585. In the event that the Congress after September 22, 1951, authorizes and approves projects, wherein financial assistance is required of local agencies of this State by the Federal Government, similar to the provisions of Public Law, Numbered 534, Seventy-eighth Congress, Second Session, and such projects are recommended for state assistance by the department and approved by the Legislature, including all projects adopted and authorized by the State for which no appropriations or allocations have been made, it is the intention of the Legislature that it will be the policy of the State to pay the costs of local cooperation required by the acts of Congress, except that such costs shall be limited to the cost of all lands, easements and rights of way necessary for the construction of such projects.

SEC. 379. Section 12586 of said code is amended to read:

Existing contract

12586. It is the intention of the Legislature that nothing in Chapters 1 and 2 of this part shall be deemed to change the policy of the State respecting that certain contract entered into between the Federal Government and the State of California made pursuant to an act of Congress of the United States, approved May 15, 1928 (Public, Numbered 391, Seventy-seventh Congress, First Session, 45 Statutes at Large 534, Chapter 569), and an act of the Legislature, approved May 4, 1925 (Chapter 176, Statutes of 1925, Section 8525 of this code), nor shall anything in Chapters 1 and 2 of this part be deemed or construed to modify, limit or take away from the powers and duties vested in the department by any law or in the Reclamation Board pursuant to the provisions of Part 4, Division 5, of this code.

SEC. 380. The title of Article 4 of Chapter 1, Part 6, Division 6 of said code is amended to read:

Article 4. Administrative Provisions

SEC. 381. Sections 12591 to 12600, inclusive, of said code are repealed.

SEC. 382. Section 12601 of said code is amended to read:

Powers

12601. The department shall establish general policies, prescribe rules and regulations for the general administration of Chapters 1 and 2 of this part, and may require such information as it deems necessary.

SEC. 383. Section 12602 of said code is amended to read:

Conferences

12602. The department, or a representative authorized by the department to do so, may call, conduct or attend conferences or hearings, official or unofficial, within or without this State, or otherwise participate in such conferences or hearings, with interested persons, agencies or officers, of this or any other state, or with the Congress of the United States, congressional committees, or officials of the Federal Government, concerning water projects, plans, or problems.

SEC. 384. Section 12603 of said code is amended to read:

Federal activities

12603. The department shall keep itself informed as to any activities, requirements or procedures of the United States, its departments or agencies affecting any proposed water project within the scope of Chapters 1 and 2 of this part, including flood control, water conservation, domestic and irrigation use, and power development, but not excluding other uses.

SEC. 385. Section 12604 of said code is amended to read:

Representative capacity

12604. As to any matter involving the United States, its departments or agencies, which is within the scope of the powers and duties of the department, the department may represent the interests of the State or any county, city, state agency or public district, and to that end may correspond, confer and cooperate with the United States, its departments or agencies, and where necessary the director, or his author-

ized representative, may travel either within or without the State.

SEC. 386. Section 12605 of said code is amended to read:

Artificial rainfall contracts

12605. The department may contract with public and private organizations and persons for research relative to the production and control of rainfall by artificial means.

SEC. 387. Section 12606 of said code is amended to read:

Hearings

12606. The department may hold hearings and conduct investigations in any part of the State.

Repeal

SEC. 388. Section 12607 of said code is repealed.

SEC. 389. Section 12608 of said code is amended to read:

Parties

12608. At any hearing by or on behalf of the department any county, city, state agency, including the Department of Fish and Game, public district, association, or any person affected by or interested in the control, storage, and use of water resources, involved in the hearing may appear and present any petition, evidence, testimony, plan, data, information, or opinion bearing on the subject matter of the hearing including an evaluation of loss and damage to fish and other natural resources.

SEC. 390. Section 12609 of said code is amended to read:

Powers and duties

12609. As a further means of carrying out the policies defined in Sections 12578 to 12582, inclusive, the department shall have the following powers and duties:

(a) Collect and file data.

(b) Make necessary studies and surveys.

(c) Make investigations.

(d) Prepare plans and estimates of cost and benefits of all proposed water development projects.

(e) Determine the damage created by flood waters.

(f) Encourage the creation and development of flood control and water conservation plans and activities of the several counties, cities, state agencies, and public districts.

(g) Cooperate with the United States or any of its departments or agencies in carrying out measures for control, storage or use of waters on streams, rivers or other waterways, and the watersheds thereof within this State which are authorized and adopted pursuant to an act of Congress of the United States, approved June 22, 1936, entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," together with amendatory or supplemental legislation adopted by Congress.

SEC. 391. Section 12610 of said code is amended to read:

Travel

12610. In performing the duties prescribed in Section 12609, the director, or his authorized representative, may travel either within or without the State and shall consult and cooperate with the officials and engineers of the counties, cities, state agencies, or public districts affected.

SEC. 392. Section 12611 of said code is amended to read:

Local cooperation

12611. The department may cooperate with any county, city, state agency or public district on flood control and other

water problems and when requested by such county, city, state agency or public district, may enter into cooperative agreements to prepare plans and specifications, construct, or maintain and operate projects or expend money in behalf of such county, city, state agency or public district, to accomplish the purposes of Chapters 1 and 2 of this part.

SEC. 393. Section 12612 of said code is amended to read:

Request required

12612. The department has no authority to undertake the construction of flood control or other water projects provided for under Chapters 1 and 2 of this part, thereby obligating any county, city, state agency, or public district in any way except upon the formal request of such county, city, state agency or public district.

SEC. 394. Section 12616 of said code is amended to read:

Investigations

12616. The department may conduct investigations of the water resources of the State, formulate plans for the control, conservation, protection, and utilization of such water resources, including solutions for the water problems of each portion of the State as deemed expedient and economically feasible, and may render reports thereon.

SEC. 395. Section 12617 of said code is amended to read:

Reports

12617. The department, upon its own initiative, or when requested in writing by a county, city, state agency or public district, may investigate, conduct surveys and studies, prepare plans and estimates, and render reports concerning control, conservation, protection, and utilization of water resources, including recommendations for plans and projects The department may at any time in its discretion enlarge or restrict the scope of any investigation, survey or study as it may determine the public interest requires.

SEC. 396. Section 12618 of said code is amended to read:

Recommendation

12618. The department may recommend the construction of any project, including the time for constructing it, and the amount of funds which should be allocated or appropriated to counties, cities, state agencies or public districts for the project.

SEC. 397. Section 12619 of said code is amended to read:

Submission by department

12619. Reports and recommendations shall be submitted by the department to each county, city, state agency, or public district which has appeared at any hearing held pursuant to Section 12623.

SEC. 398. Section 12620 of said code is amended to read:

Submission by local agencies

12620. Within 90 days from the date of submission of the report and recommendations of the department, or within such extended period as the department may grant for good cause shown, the written views and recommendations of each county, city, state agency or public district which has appeared at any hearing may be submitted to the department.

SEC. 399. Section 12621 of said code is amended to read:

Report

12621. After the expiration of the period or extended period for the submission of written views and recommendations, or prior thereto in the event all those entitled to submit written views and recommendations have done so, or have signified

their intention not to do so, the department shall transmit (1) the department's report and recommendations to the Governor and to the Legislature together with (2) any submitted views and recommendations of the county, city, state agency, or public district and together with (3) such supplementary report and recommendations as the department may deem appropriate.

Investigations

SEC. 400. Section 12622 of said code is amended to read:

12622. Investigations which form the basis of any reports and recommendations of the department shall be conducted to the extent deemed practicable by the department in such a manner as to give to any interested county, city, state agency or district during the course of the investigations, information developed by the investigations, and opportunity for consultation and cooperation.

Hearing

SEC. 401. Section 12623 of said code is amended to read:

12623. Prior to adoption of any report and recommendations authorized pursuant to Sections 12616 to 12622, inclusive, and Section 12626, the department shall hold a hearing or hearings pursuant to this part and give notice thereof as provided for in Sections 12632, 12633, and 12634.

Financial assistance

SEC. 402. Section 12624 of said code is amended to read:

12624. In making recommendation to the Legislature respecting the amount of financial assistance to be given by the State, as provided for in Sections 12616 to 12623, inclusive, and Section 12626, the department shall recommend the total estimated amount which should be paid by the State for lands, easements and rights of way necessary in connection with the construction of any such project, and what proportion, if any, of the cost of the project should be paid by the county, city, state agency, or public district.

Nature of reports

SEC. 403. Section 12626 of said code is amended to read:

12626. Reports and recommendations made by the department shall be advisory only and the Legislature shall finally determine the priorities in building such projects and the amount of aid to each project which is approved.

Legislative intent

SEC. 404. Section 12627 of said code is amended to read:

12627. It is the intention of the Legislature that the department shall investigate all phases of any proposed water project, including flood control, water conservation, domestic and irrigation use, and power development, but not excluding other uses, so that a county, city, state agency, or public district affected, and the Legislature, may have the benefit of investigations and recommendations of the department upon such projects in order to assure the fullest development of the water resources of the State.

Type projects

SEC. 405. Section 12628 of said code is amended to read:

12628. In a multiple-type project authorized and adopted by Congress, which includes, in addition to works for flood control purposes, works and construction for other than flood control purposes, only that portion of the project which is deemed by the department to be necessary for flood control

purposes shall be eligible for financial assistance from the State.

SEC. 406. Section 12629 of said code is amended to read:

Method of financing

12629. In a multiple-type project which includes works and construction for flood control and for other than flood control purposes, and in projects which do not include any flood control works or construction, the department may recommend to the Legislature and to the United States, or any of its departments or agencies, the method of financing such works and construction.

SEC. 407. Section 12630 of said code is amended to read:

Federal estimate re cost

12630. Prior to recommending to the Legislature the approval for state assistance of any project, designed in whole or in part for flood control, adopted and authorized by Congress, and prior to the submission to the Legislature of an estimate of the total cost to the State, and prior to recommending an appropriation by the State in aid of any such project approved for state assistance by the Legislature, the department shall obtain from the appropriate agency of the Federal Government an estimate of the total cost of the project and the cost and benefit ratio, based upon then current construction costs and values, and shall submit the same to the Legislature.

SEC. 408. Section 12631 of said code is amended to read:

Summary report

12631. The department, in addition to the reports and recommendations made to the Legislature as provided in Sections 12616 to 12623, inclusive, and Section 12626, may from time to time summarize the results of its investigations, studies, activities, and recommendations relating to flood control and other water problems and report to the Governor, and may publish the report in such form as it deems suitable to inform the people of the State concerning such flood control and other water problems as come within the scope of Chapters 1 and 2 of this part.

SEC. 409. Section 12632 of said code is amended to read:

Notice

12632. Prior to any hearing and prior to beginning any investigation of the water problems of any specific portion of the State pursuant to Section 12616 or any investigation pursuant to Section 12617, the department shall give such notice to the agencies or persons likely to be interested as it deems necessary to afford every opportunity for the agencies or persons to be heard, and in addition to such notice shall give further notice of any hearing or investigation by mail to any city, county, state agency, or public district, deemed likely by the department to be interested, which has filed its official name and address with the department together with a request for notice.

SEC. 410. Section 12653 of said code is amended to read:

Calaveras River and Littlejohn Creek

12653. The plan of improvement on the Calaveras River and Littlejohn Creek includes the enlargement of channels of Littlejohn Creek below the Farmington Dam as subsequently approved by letter of the Chief of Engineers dated Novem-

ber 12, 1951, at an additional estimated cost to the State of such sum as may be available for state cooperation for that purpose in the Flood Control Emergency Fund, pursuant to written authorization of the Department of Finance for flood control projects, payable from the Flood Control Fund of 1946, upon approval of the general plan for such channel enlargements by, and the recommendation of, the department, or as may be otherwise appropriated for state cooperation by the Legislature, payable from the Flood Control Fund of 1946, upon approval of the general plan for such channel enlargements by, and with the recommendation of, the department.

Cache Creek and Clear Lake

SEC. 411. Section 12663 of said code is amended to read:

12663. The plan of improvement for flood control and water conservation on Cache Creek, including Clear Lake, in Yolo and Lake Counties, is hereby adopted and authorized generally in accordance with the plan and recommendations relating thereto contained in the report dated March 4, 1955 (Reports of State Water Resources Board), at an estimated cost to the State of two million five hundred thousand dollars ($2,500,000) for lands, easements and rights of way, including all utility and highway relocations, necessary for the construction of said project. No funds shall be expended on planning or constructing a dam at the Guinda site below Rumsey on Cache Creek until the Wilson Valley area has been completely investigated and studied and determined by the department not to have comparable engineering and economic feasibility as compared to the Guinda site as recommended in said report.

Santa Clara River

SEC. 412. Section 12673 of said code is amended to read:

12673. The project for construction of flood control protection along the Santa Clara River, and its tributaries, is approved and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 443, Eighteth Congress, First Session, and authorized by act of Congress approved June 30, 1948, Public Law 858, Eightieth Congress, Second Session, at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon approval of the general plan of improvement by, and the recommendation of, the department, when funds for carrying out the project are appropriated by Congress.

Santa Ana River Basin

SEC. 413. Section 12679 of said code is amended to read:

12679. The plan of improvement for flood control in the Santa Ana River Basin is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 135, Eighty-first Congress, First Session, and authorized by act of Congress approved May 17, 1950, Public Law 516, Eighty-first Congress, Second Session, at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon approval of the general plan of improve-

ment by, and the recommendation of, the department, when funds for carrying out the project are appropriated by Congress.

SEC. 414. Section 12698 of said code is amended to read:

Russian River

12698. The project on the Russian River for flood protection and water conservation in Sonoma and Mendocino Counties is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 585, Eighty-first Congress, Second Session, as authorized by act of Congress approved May 17, 1950, Public Law 516, Eighty-first Congress, Second Session, at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department, when funds for carrying out the project are appropriated by Congress.

SEC. 415. Section 12701 of said code is amended to read:

San Lorenzo Creek

12701. The project on San Lorenzo Creek in Alameda County for flood control and allied purposes is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 452, 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 such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department, when funds for carrying out said project are appropriated by Congress.

SEC. 416. Section 12704 of said code is amended to read:

San Lorenzo River

12704. The project for flood protection on San Lorenzo River in Santa Cruz County is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 447, Eighty-third Congress, Second Session, as authorized by act of Congress approved September 3, 1954, Chapter 1264, Public Law 780, Eighty-third Congress, Second Session (Title II, the "Flood Control Act of 1954"), at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department, when funds for carrying out the project are appropriated by Congress; provided, that the requirement that local interests make a cash contribution to the United States equal to 8.9 percent of the project cost, is for payment of local benefits not related to flood control, and shall not be payable or reimbursable by the State.

SEC. 417. Section 12801 of said code is amended to read:

12801. As used in this chapter:

Definitions

(a) "Public agency" means any state agency, county, city and county, city, or district of the State, except the department.

(b) "Flood control project" means any project heretofore or hereafter adopted and authorized by the Congress requiring local cooperation for flood control purposes.

SEC. 418. Section 12803 of said code is amended to read:

Allocations

12803. The Legislature intends that from time to time by law allocations from the Flood Control Fund of 1946 will be made to pay for the cost of all lands, easements, and rights of way necessary for the construction of flood control projects adopted and authorized by the Legislature prior to March 12, 1946, and also those adopted and authorized on or after that date by the Congress of the United States, recommended by the department, and approved by the Legislature, in the order in which the Congress makes available funds for their construction.

SEC. 419. Section 12825 of said code is amended to read:

Request for investigation and report

12825. When the United States makes funds available on or after March 12, 1946, for the construction of any flood control project either adopted and authorized by Chapters 1 and 2 of this part or by subsequent legislation, any public agency affected may request the department to investigate and report to the Legislature as to the date state funds should be allocated to pay the cost of cooperation by the State with the United States for the project and the estimated amount.

SEC. 420. Section 12827 of said code is amended to read:

Other projects

12827. As to projects other than those approved and authorized by the Legislature, the department shall make its determination in the manner provided by Chapters 1 and 2 of this part.

SEC. 421. Section 12828 of said code is amended to read:

Reallocation of funds

12828. Except where the cooperation required by the United States, in addition to the costs of all lands, easements, and rights of way, has been authorized to be assumed by the State prior to March 12, 1946, the department shall not reallocate the funds allocated to it for any project for which the Reclamation Board is directed to give assurances to the United States unless and until a public agency other than the Reclamation Board has either assumed the obligations of maintenance and holding the United States harmless from damages due to the construction of works, directly with the United States, or has by binding agreement with the Reclamation Board agreed to assume such obligations and to hold the State and the Reclamation Board harmless from any claims therefor.

SEC. 422. Section 12829 of said code is amended to read:

Reports

12829. Money allocated from the Flood Control Fund of 1946 to the department shall be reallocated to public agencies upon order of the department after application therefor has been made to it by such agencies showing the necessity, purpose and use to be made of the money or by the showing that such agencies have made necessary advances or incurred obligations for the purpose of expediting projects for which the allocation is made and giving such other information as the department may require. Expenditures of the reallocated sums shall be reported to the department as and when required by it. The reports shall give such information as it may require.

SEC. 423. Section 12830 of said code is amended to read:

12830. The department may refuse to make any order for the reallocation of any of the funds if the provisions of this chapter are violated. The department shall render a report to the Legislature within 15 days after the commencement of each regular session respecting the expenditure of money allocated to it by the Legislature. Refusal of reallocation

SEC. 424. Section 12852 of said code is repealed. Repeal

SEC. 425. Section 12867 of said code is amended to read:

12867. The State shall pay the costs of lands, easements and rights of way for projects described in subsection (a) of Section 12865 only if, or to the extent that: Conditions of payment

(a) The Secretary of Agriculture and local organizations have agreed on a plan for works of improvement pursuant to the authorization made by the Department of Agriculture Appropriation Act for the fiscal year ending June 30, 1954.

(b) Local organizations have given assurances as required by the Secretary of Agriculture relative to local participation.

(c) The department finds in its judgment that the benefits of the proposed works of improvement for an entire project or for a portion or portions thereof which constitute complete and usable independent units will reasonably exceed the costs of the entire project or of such portion or portions thereof. Cost figures based upon a reconnaissance-type survey may be used for such purpose providing the department finds that all elements of cost reasonably appear to be included and the cost figures appear reasonably accurate for the purpose of supporting a finding that total costs will be less than the total benefits for an entire project or for such portion or portions thereof that may be under consideration.

(d) The department recommends to the Legislature that an appropriation of funds be made for the entire project or for such portion or portions thereof as constitute complete and usable independent units for reallocation for payment of the costs of lands, easements and rights of way which it finds have already been incurred or which it is anticipated will be incurred during the next fiscal year.

SEC. 426. Section 12868 of said code is amended to read:

12868. The State shall pay the costs of lands, easements and rights of way for projects described in subsection (b) of Section 12865 only if, or to the extent that: Same

(a) The Secretary of Agriculture and local organizations have agreed on a plan for works of improvement pursuant to Public Law 566, Eighty-third Congress, Second Session.

(b) Local organizations have given the required assurances to the Secretary of Agriculture that they will:

(1) Acquire without cost to the Federal Government such land, easements, or rights of way as will be needed in connection with works of improvement installed with federal assistance;

(2) Assume such proportionate share of the cost of installing any works of improvement involving federal assistance as

may be determined by the secretary to be equitable in consideration of anticipated benefits from such improvements;

(3) Make arrangements satisfactory to the secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) Acquire, or provide assurance that landowners have acquired, such water rights, pursuant to state law, as may be needed in the installation and operation of the work of improvement.

(5) Obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with federal assistance.

(c) The Secretary of Agriculture has determined that the benefits to be derived from the proposed works of improvement will exceed the cost.

(d) The Secretary of Agriculture has transmitted a copy of the plan and justification therefor to the Congress through the President and, where applicable, to the Secretary of the Interior and the Secretary of the Army, as required by said Public Law 566.

(e) The department finds in its judgment that the benefits of the proposed works of improvement for an entire project will reasonably exceed the costs thereof. Cost figures based upon a reconnaissance-type survey may be used for such purpose providing the board finds that all elements of cost reasonably appear to be included and the cost figures appear reasonably accurate for the purpose of supporting a finding that total costs will be less than the total benefits.

(f) The department recommends to the Legislature that an appropriation of funds be made for the project for reallocation for payment of the costs of lands, easements and rights of way which it finds have already been incurred or which it is anticipated will be incurred during the next fiscal year.

Application

SEC. 427. Section 12870 of said code is amended to read:

12870. When local organizations have agreed with the Secretary of Agriculture upon a plan for works of improvement pursuant to the authorization contained in said Department of Agriculture Appropriation Act or in said Public Law 566 and desire financial assistance from the State pursuant to this chapter, they shall file an application with the department requesting the department to recommend to the Legislature that an appropriation of funds be made for the next fiscal year.

Recommendation

SEC 428. Section 12871 of said code is amended to read:

12871. The department shall make such a recommendation to the Legislature if it finds that the requirments of Section 12867 or Section 12868 have been met.

SEC. 429. Section 12872 of said code is amended to read:

12872. The findings of the department required by subsection (d) of Section 12867 or of subsection (f) of Section 12868 shall be based upon current cost estimates or actual costs incurred or expended. Findings

SEC. 430. Section 12873 of said code is amended to read:

12873. The findings of the department required by subsection (c) of Section 12867 or by subsections (a) to (e) of Section 12868 need be made only once, at the time the department first recommends an entire project or such portion or portions thereof as constitute complete and usable independent units to the Legislature, and need not be made again each year thereafter in which the department recommends an allocation of funds therefor. If conditions change so as in the judgment of the department to warrant new or different findings, the department may however make additional or contrary findings, and make recommendations thereon to the Legislature. Same

SEC. 431. Section 12874 of said code is amended to read:

12874. Money appropriated to the department for reallocation to local organizations shall be reallocated to local organizations upon order of the department after application therefor has been made to it by such local organizations showing the necessity, purpose and use to be made of the money or showing that such organizations have made necessary advances or incurred obligations for the purpose of expediting projects for which the allocation is made and giving such other information as the board may require Such application may be filed with or as a part of the application for recommendation to the Legislature for appropriation of funds. Expenditures of the reallocated sums shall be reported to the department as and when required by it. The reports shall give such information as the department may require. Reallocation

SEC. 432. Section 12875 of said code is amended to read:

12875. The department may refuse to make any order for the reallocation of any of the funds if the provisions of this chapter are violated. The department shall render a report to the Legislature within 15 days after the commencement of each regular session respecting the expenditure of money allocated to it by the Legislature. Refusal

SEC. 433. Section 13040 of said code is amended to read:

13040. The State is divided, for the purposes of this division, into nine regions: Regions

(a) North coastal region, which comprises all basins including Lower Klamath Lake and Lost River Basins draining into the Pacific Ocean from the California-Oregon state line southerly to the northerly boundary of the watershed of Lagunitas Creek in Marin County and its extension along the center line of Tomales Bay.

(b) San Francisco Bay region, which comprises San Francisco Bay, Suisun Bay, from Sacramento River and San Joaquin River westerly from a line which passes between

Collinsville and Montezuma Island and follows thence the boundary common to Sacramento and Solano Counties and that common to Sacramento and Contra Costa Counties to the westerly boundary of the watershed of Markley Canyon in Contra Costa County, all basins draining into the bays and rivers westerly from this line, and all basins draining into the Pacific Ocean between the southerly boundary of the north coastal region and the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties.

(c) Central coastal region, which comprises all basins, including Carrizo Plain in San Luis Obisbo and Kern Counties, draining into the Pacific Ocean from the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties to the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek.

(d) Los Angeles region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainages to the divide between Sheep Creek and San Gabriel River drainages.

(e) Santa Ana region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary of the Los Angeles region and a line which follows the drainage divide between Muddy and Moro Canyons from the ocean to the summit of the San Joaquin Hills; thence along the divide between lands draining into Newport Bay and into Laguna Canyon to Niguel Road; thence along Niguel Road and Los Aliso Avenue to the divide between Newport Bay and Aliso Creek drainages; thence along that divide and the southeasterly boundary of the Santa Ana River drainage to the divide between Baldwin Lake and Mojave Desert drainages; thence along that divide to the divide between Pacific Ocean and Mojave Desert drainages.

(f) San Diego region, which comprises all basins draining into the Pacific Ocean between the southern boundary of the Santa Ana region and the California-Mexico boundary.

(g) Central Valley region, which comprises all basins including Goose Lake Basin draining into the Sacramento and San Joaquin Rivers to the easterly boundary of the San Francisco Bay region near Collinsville.

(h) Lahontan region, which comprises all basins east of the Santa Ana, Los Angeles and Central Valley regions from the California-Oregon boundary to the southerly boundary located in Los Angeles and San Bernardino Counties of the watersheds draining into Antelope Valley, Mojave River Basin and Dry Lake Basin near Ivanpah.

(i) Colorado River Basin region, which comprises all basins east of the Santa Ana and San Diego regions draining into

the Colorado River, Salton Sea and local sinks from the southerly boundary of the Lahontan region to the California-Mexico boundary.

The regions defined and described in this section shall be as precisely delineated on official maps of the department and include all of the areas within the boundaries of the State.

SEC. 434. Sections 20544 and 20545 of said code are repealed. Repeals

SEC. 435. Section 20625 of said code is amended to read:

20625. The department shall give information so far as it may be practicable to persons contemplating the formation of districts. Information

SEC. 436. Section 20627 of said code is amended to read:

20627. Pending the completion of the preliminary surveys and field investigations, the State Water Rights Board may withhold from appropriation any unappropriated water likely to be needed by the district. Preliminary surveys

SEC. 437. Section 20820 of said code is amended to read:

20820. On or before the day on which the petition is presented to the board of supervisors, a copy of the petition shall be filed in the office of the department. Filing of petition

SEC. 438. Section 20981 of said code is amended to read:

20981. Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder in each affected county and sent to the department and to the commission. Recording

SEC. 439. Section 23456 of said code is amended to read:

23456. Districts may also contract that applications theretofore filed by either of them with the State Water Rights Board or its predecessor shall be amended to conform to the provisions of the contract between them and that permits and licenses be issued accordingly. Application amendments

SEC. 440. Section 23460 of said code is amended to read:

23460. Districts may also contract that they shall cooperate to obtain permits and licenses to appropriate water for power purposes and to construct power facilities from the State Water Rights Board or any federal agency or both in the manner prescribed in the contract.

SEC. 441. Section 31006 of said code is amended to read:

31006. Any district formed under the County Water District Law may, by resolution of the board of the district spread on its minutes, change the name of the district. Change of name

Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder of every county, included in whole or in part, in the district and sent to the department, District Securities Commission, and Secretary of State. Recordation

SEC. 442. Section 32653 of said code is amended to read:

32653. Each board passing a preliminary consolidation resolution shall forward to the department a copy certified by the president or secretary. Copy to department

SEC. 443. The title of Article 2, Chapter 3, Part 8, Division 12 of said code is amended to read:

Article 2. Reference to Department of Water Resources

SEC. 444. Section 32670 of said code is amended to read:

Investigation

32670. Upon the receipt of certified copies of the preliminary consolidation resolution adopted by two or more districts, the department shall forthwith make or cause to be made any investigation that it deems necessary.

SEC. 445. Section 32671 of said code is amended to read:

Report

32671. Upon the completion of the investigation, but not more than 90 days after the receipt by it of a copy of the resolution from the board last adopting it, the department shall submit to each board its report thereon.

SEC. 446. Section 32672 of said code is amended to read:

Contents

32672. The department shall include in the report:

(a) If it considers advisable the elimination of a portion of the land in any of the districts to be consolidated, a recommendation to that effect and a statement of its reasons therefor.

(b) The recommended boundaries of the proposed consolidated district.

(c) A recommendation as to the apportionment to the land in the respective districts consolidated of any outstanding indebtedness as it deems equitable.

SEC. 447. Section 32690 of said code is amended to read:

Consolidation election

32690. A consolidation election to submit to the voters in each district the question of the consolidation shall be called by each board which has adopted a preliminary consolidation resolution by an order made either:

(a) Within 10 days after receiving the report on the consolidation from the department in which the department states the consolidation to be desirable.

(b) Upon the adoption by each board of a resolution declaring its determination that the proposed consolidation is desirable after either:

(1) Receiving the report on the consolidation from the department in which the department states the consolidation not to be desirable.

(2) Not receiving the report on the consolidation from the department within 90 days after the submission to the department of the copy of the preliminary consolidation resolution from the board last adopting it.

SEC. 448. Section 32715 of said code is amended to read:

Indebtedness

32715. The board of a consolidated district within 60 days after the consolidation shall act upon the recommendation of the department as to the apportionment of any outstanding indebtedness, and the board shall apportion to the land in the consolidated district any outstanding indebtedness as it deems equitable.

Repeal

SEC. 449. Section 39029 of said code is repealed.

SEC. 450. The title of Chapter 4 of Part 1, Division 14 of said code is amended to read:

CHAPTER 4. DEPARTMENT OF WATER RESOURCES

SEC. 451. Article 2 of Chapter 4, Part 1, Division 14 of said code is repealed. Repeal

SEC. 452. Section 39463 of said code is amended to read:

39463. The notice shall be issued by the department, shall refer to the petition, and shall be directed to the petitioners, all other persons holding title to land, and all other persons interested in or affected by the project. It shall be substantially in the following form: Form of notice

Before the Department of Water Resources, State of California.

To the persons named as petitioners in the foregoing petition, to all persons holding title or evidence of title to lands included within the water storage district proposed therein; and to all other persons who may be interested in or affected by the project:

You, and each of you, are hereby notified that the foregoing petition was filed with the Department of Water Resources on the _____ day of _____ and will be heard by the Department of Water Resources at _____ on the _____ day of _____ at the hour of ___ m. of that day, at which time and place the Department of Water Resources will hear and receive evidence in support of said petition or any objections which may be presented thereto, and will hear and determine the right of all parties holding title or evidence of title to lands not included in the water storage district proposed in said petition, but which lands are already irrigated or susceptible of irrigation from the same common source and by the same system of storage and irrigation works as are particularly referred to and described in said petition, to have said lands included in said district.

This notice is given pursuant to the provisions of Division 14 of the Water Code, to which said division particular reference is hereby made.

Dated _____

Department of Water Resources, by

(Title of person signing for the department)

SEC. 453. The title of Article 4 of Chapter 1, Part 5 of Division 14 of said code is amended to read:

Article 4. Report to Department of Water Resources

SEC. 454. The title of Article 1 of Chapter 2, Part 5 of Division 14 of said code is amended to read:

Article 1. Investigation by Department of Water Resources

SEC. 455. The title of Article 1 of Chapter 3, Part 5 of Division 14 of said code is amended to read:

Repeals

Article 1. Investigation by Department of Water Resources

Information

SEC. 456. Sections 60027 and 60028 of said code are repealed.

SEC. 457. Section 60060 of said code is amended to read:

60060. The department shall supply information so far as it may be practicable to persons contemplating the formation of districts.

SEC. 458. Section 60096 of said code is amended to read:

60096. Upon presentation of such petition and certificates, the board of supervisors of the principal county shall immediately file a copy of such petition with the department.

"Engineer"

SEC. 459. Section 4001 of the Government Code is amended to read:

4001. As used in this chapter, "engineer" means the State Highway Engineer, the Director of Water Resources, the State Architect, or a deputy or other person authorized by any such officer, and every county engineer, county surveyor, county highway engineer, road commissioner, city engineer, commissioner of public works, superintendent of streets, harbor engineer, flood control engineer, the engineer of any board or commission of the State, the engineer of any board or commission of any city, and the engineer of any reclamation, irrigation or other district, political subdivision or agency of the State.

Fees

SEC. 460. 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.

Exceptions

SEC. 461. Section 11041 of the Government Code is amended to read:

11041. Sections 11042 and 11043 are not applicable to the Regents of the University of California, Divisions of Contracts and Rights of Way, Division of Labor Law Enforcement, Industrial Accident Commission, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, and Department of Education, nor to any other state agency which by law enacted after Chapter 213, of the Statutes of 1933, is authorized to employ legal counsel.

SEC. 462. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency. Agencies

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.
Board of Medical Examiners of the State of California.
Board of Osteopathic Examiners of the State of California.
Board of Nurse Examiners of the State of California.
State Board of Optometry.
California State Board of Pharmacy.
State Department of Public Health.
State Board of Public Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Civil and Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Yacht and Ship Brokers Commissioner.
Director of Professional and Vocational Standards.
State Collection Agency Board.
State Fire Marshal.
State Mineralogist.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners.
Board of Social Work Examiners of the State of California.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
California Aeronautics Commission.

Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
State Water Pollution Control Board.
Regional Water Pollution Control Board.
Department of Natural Resources.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Private Investigators and Adjusters.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.

SEC. 463. Section 11551 of the Government Code is amended to read:

Salaries

11551. An annual salary of eighteen thousand dollars ($18,000) shall be paid to each of the following:
(a) Director of Public Works.
(b) Director of Mental Hygiene.
(c) Superintendent of Public Instruction.
(d) State Controller.
(e) Director of Water Resources.

SEC. 464. Section 11555.5 of the Government Code is amended to read:

11555.5. An annual salary of fifteen thousand dollars ($15,000) shall be paid to each of the following:
(a) Director of Alcoholic Beverage Control.
(b) Each member of the Adult Authority.
(c) Superintendent of Banks.
(d) Director of Industrial Relations.
(e) Commissioner of the California Highway Patrol.
(f) Each member of the State Water Rights Board.

SEC. 465. Section 12040 of the Government Code is amended to read:

Governor's Council

12040. There is in the State Government the Governor's Council. It consists of the Directors of Finance, Education, Public Works, Water Resources, Motor Vehicles, Public Health, Mental Hygiene, Agriculture, Industrial Relations, Social Welfare, Natural Resources, Investment, Professional and Vocational Standards, Veterans Affairs, Corrections, Fish and Game, and the Youth Authority, the State Fire Marshal, the Chairman of the California Employment Stabilization Commission and the Adjutant General.

SEC. 466. Section 13370 of the Government Code is amended to read:

Approval of contracts

13370. All contracts entered into by any state agency for (a) the hiring or purchase of equipment, supplies, materials, or of textbooks for use in the day and evening elementary schools of the State, (b) services, whether or not the same

involve the furnishing or use of equipment, materials or supplies or are performed by an independent contractor, (c) the construction, alteration, improvement, repair or maintenance of property, real or personal, or (d) the performance of work or services by such state agency for or in cooperation with any person, or public body, are of no effect unless and until approved by the Department of Finance. Every such contract shall be transmitted with all papers, estimates, and recommendations concerning it to the department and, if approved by the department, shall be effective from the date of such approval. This section shall apply to any state agency which by general or specific statute is expressly or impliedly authorized to enter into transactions referred to herein. This section shall not apply to any contract let by a department under the State Contract Act, nor to any contract of a type specifically mentioned and authorized to be entered into by the Department of Public Works under the Streets and Highways Code, nor to any contract let by the Legislature, nor to any contract entered into under the authority of Chapter 4 of Part 3 of Division 2 of the Insurance Code

SEC. 467. Section 14005 of the Government Code is amended to read:

14005. For the purpose of administration, the director shall organize the department with the approval of the Governor in the manner that he deems necessary properly to segregate and conduct the work of the department. The work of the department shall be divided into at least two divisions known as the Division of Highways and the Division of Architecture. Department organization

SEC. 468. Section 14033 of the Government Code is amended to read:

14033. Without at the time furnishing vouchers and itemized statements, the department may, with the approval of the Department of Finance, withdraw from the Division of Architecture Revolving Fund not to exceed at any one time the sum of five hundred thousand dollars ($500,000). The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary. Withdrawal from revolving fund

SEC. 469. Sections 14034, 14035, and 14036 of the Government Code are repealed. Repeals

SEC. 470. Section 14150 of the Government Code is amended to read:

14150. When requested in writing by the Bureau of Public Roads, the Maritime Commission, the Army, the Air Force, or the Navy, the department and each division thereof may perform any engineering, architectural, construction, maintenance, or mechanical work for or on behalf of the United States if such work is to be completely financed by federal funds, except for general administrative expense. The department may enter into agreements with the authorized officials of the United States for the performance of any such work. Contract agencies

Approval

Any agreement providing for such work to be done by the Division of Architecture or the Department of Water Resources shall be subject to the approval of the Department of Finance.

SEC. 471. Section 14155 is added to the Government Code, to read:

"Department"

14155. "Department," as used in this article, means the Department of Public Works as to work within its jurisdiction and the Department of Water Resources as to work within its jurisdiction.

SEC. 472. Section 14254.5 is added to the Government Code, to read:

"Department"

14254.5. "Department," as used in this chapter, means (a) the Department of Water Resources as to any project under the jurisdiction of that department, and (b) the Department of Public Works as to all other projects.

"Director"

"Director," as used in this chapter, means the director of each department as defined herein respectively.

SEC. 473. Section 14255 of the Government Code is amended to read:

Projects jurisdiction

14255. Whenever provision is made by law for any project which is not under the jurisdiction of the Department of Water Resources, the project shall be under the sole charge and direct control of the Department of Public Works.

SEC. 474. Section 14314 of the Government Code is amended to read:

Bids

14314. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security: cash, a cashier's check, certified check, or a bidder's bond executed by an admitted surety insurer, made payable to the director of the department under which the work is to be performed. The security shall be in an amount equal to at least 10 percent of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it.

SEC. 475. Section 14316 of the Government Code is amended to read:

Withdrawal of bids

14316. Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids only by written request for the withdrawal of the bid filed with the director of the department or the chief of the division under which the work is to be performed. The request shall be executed by the bidder or his duly authorized representative. The withdrawal of a bid does not prejudice the right of the bidder to file a new bid.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

SEC. 476. Section 14351 of the Government Code is amended to read:

Complaint

14351. The complaint shall be filed, and summons served on the director of the department or the chief of the division under which the work is to be performed, or an appearance

made, within 90 days after the opening of the bid; otherwise, the action shall be dismissed.

SEC. 477. Section 14370 of the Government Code is amended to read:

Approval

14370. Every contract awarded under this chapter shall be submitted to the Attorney General or the attorney appointed according to law and authorized to represent the department under which it is to be performed. Such a contract is not binding on the State until the appropriate attorney finds it to be in accordance with the requirements of this chapter, and endorses such finding thereon.

A certified copy of each contract shall be filed with the Controller, but the failure so to file does not invalidate it.

SEC. 478. Section 14371 of the Government Code is amended to read:

Material bonds, etc

14371. Every contract shall provide for the filing of separate performance and labor and material bonds by the contractor executed by an admitted surety insurer, subject to the approval of the department.

SEC. 479. Section 14377 of the Government Code is amended to read:

Changes in plans

14377. Every contract shall provide that the department may make changes in the plans and specifications pursuant to this chapter.

SEC. 480. Section 520.5 of the Fish and Game Code is amended to read:

Approval of plans and specifications

520.5. 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 at Section 6000) of Division 3 of the Water Code, a copy of such application shall be filed by the applicant with the commission. When 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, which hearing shall 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 such fishway is not necessary or is not practicable, taking into consideration the height of the dam and the amount of water available. If, after such hearing, the commission finds that the construction of such 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 by the commission of the design for such a fishway.

SEC. 481. Section 526 5 of the Fish and Game Code is amended to read:

Application

526 5. The provisions of Section 526 shall not be applicable to dams constructed in District 4½ after the effective date of this section.

No permit or license to appropriate water in District 4½ shall be issued by the State Water Rights Board after the effective date of this section unless conditioned upon full compliance with Section 525. Plans and specifications for any such dam shall not be approved by the Department of Water Resources unless adequate provision is made for the full compliance with Section 525.

SEC. 482. Section 537 of the Fish and Game Code is amended to read:

Inspection of screen

537. When a screen has been installed, the owner thereof may, by written notice within 90 days after such installation, request the commission to inspect the screen for the purpose of accepting the same. Thereupon it is the duty of the commission to inspect the screen, and if the same has been installed in accordance with the order and plans and specifications agreed upon by the commission and the owner as provided in Section 541 of this article or approved by the Department of Water Resources, the commission must accept and approve the same in writing. If, upon such inspection it appears that the screen has not been constructed and installed in accordance with such plans and specifications it is the duty of the commission, within 60 days after such inspection, to notify the owner of any deviation from the order. Thereupon such deviation may be remedied within 90 days, and a further inspection requested.

SEC. 483. Section 538 of the Fish and Game Code is amended to read:

Failure to function

538. 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, then the owner shall not be required to install a new screen; provided, however, nothing herein contained shall prohibit the commission from installing another screen therein at the sole cost and expense of the commission and of the type, size, mesh, and at a location agreed upon by the commission and the owner, or approved by the Department of Water Resources, as provided in Section 541 of this code.

SEC. 484. Section 541 of the Fish and Game Code is amended to read:

Installation of screen, etc

541. Any screen installed under any of the provisions of this article shall be such as will be reasonably adequate to prevent fish from passing into the conduit and such as will not unnecessarily impede the flow of water or prevent the owner from diverting the amount of water he is legally entitled to divert. The type, size, mesh and location of the screen and the time within which the screen shall be installed shall be mutually agreed upon by the commission and the owner

of the conduit. In the event the commission and the owner of the conduit cannot agree upon the type, size, mesh and location of the screen and the time within which the same shall be installed, such matters shall be submitted to the Department of Water Resources whose decision thereon shall be final and conclusive. If the owner and the commission shall fail to agree upon the type, size, mesh and location of the screen and the time within which the screen shall be installed within 60 days from the first submission of proposed plans and specifications by the commissioner to the owner, either the commission 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 commission shall maintain and keep the screen in repair and shall quarterly notify the owner in writing of the cost of such maintenance and repairs and the owner shall within 30 days remit to the commission one-half of the said cost. The owner of the conduit shall operate and keep free from debris any screen heretofore or hereafter installed and shall quarterly notify the commission in writing of such cost of such operation and keeping the screen free of debris and the commission shall within 30 days remit to the owner one-half of the said cost. Before the installation of any screen, under the provisions of this article, the commission 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, and the agreement shall provide that in the event either the commission or the owner object to such costs, then such costs shall be referred to the Director of Finance for his final and conclusive decision.

SEC. 485. Section 552 of the Fish and Game Code is amended to read:

552. The department shall serve prior written notice upon each owner of its intention to install a fish screen, and shall describe therein the distance downstream from the intake or in other manner the location of the screen, the access required, and the amount of water required for the bypass. Said notice shall be served upon the owner in duplicate, and in such form that the original copy upon signature by the owner shall serve as an agreement to the installation of the screen or device under the terms therein, and shall require the owner to render such assistance other than mechanical repair or replacement of parts necessary to keep the screen or device in satisfactory operating condition; provided, that the hiring of additional labor shall not be required for such assistance. If the owner fails to sign and return the agreement granting the department the necessary rights for the installation of the screen or device within 60 days after issuance, the department may install the screen as though the order had been signed. In the event the department and the owner of the conduit cannot agree upon the type, size, mesh or location of the screen,

Notice

Failure to sign

or the amount of water required for a bypass, or the time within which the same shall be installed such matters shall be submitted 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 such matters in writing and requested a decision.

SEC. 486. Section 1773.6 of the Labor Code is amended to read:

Quarterly wage report

1773.6. Where the body awarding the contract or authorizing the public work is the State Department of Public Works or the State Department of Water Resources or any division thereof, it shall file, quarterly, its determination of general prevailing rates of per diem wages for those localities in which public work is to be performed, in the Office of the Director of Industrial Relations, commencing not later than January 10, 1954. Such determination shall be final except as hereinafter provided. If during any quarterly period the Director of Industrial Relations shall determine that there has been a change in any prevailing rate of per diem wages in any locality he shall immediately notify the awarding body of such change and his determination shall be final. Such determination by the Director of Industrial Relations shall not be effective as to any contract for which the notice to bidders has been published.

SEC. 487. Section 1773.7 of the Labor Code is amended to read:

Limitation

1773.7. The provisions of Sections 1773.4 and 1773.5 shall not apply to the State Department of Public Works or the State Department of Water Resources or any division thereof.

SEC. 489. Section 6327 of the Public Resources Code is amended to read:

Permit

6327. The commission may, upon written application, grant a permit for the use and occupancy of state lands under the jurisdiction of the commission for the installation of facilities for procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays, except that if such applicant obtain the required permit for such use from the local reclamation district, the Reclamation Board, the Department of Water Resources, the California Debris Commission or the Corps of Engineers of the United States Army, then such application shall not be required by the State Lands Commission.

SEC. 490. Section 8001 is added to the Public Resources Code, immediately preceding Section 8002 thereof, to read:

"Department"

8001. As used in this article, "department" means the Department of Water Resources.

SEC. 491. Section 8003 of the Public Resources Code is amended to read:

State base maps

8003. The state base maps shall have delineated thereon plane rectangular coordinates which shall conform to the pro-

visions of Division 8 (commencing at Section 8801) of this code.

SEC. 492. Section 8011 of the Public Resources Code is amended to read:

Mapping program

8011. The department shall investigate mapping; shall prepare a complete report thereon including plans and recommendations for an adequate mapping program for California; and shall adopt a general plan and program for the accomplishment of the policy declared in this article. The general plan and program so adopted, and as from time to time modified, amended or revised by the department, shall be the authorized general plan and program to be carried out by the state departments. The department may from time to time make such further investigations and reports upon mapping as deemed proper by him in pursuance of the policy declared in this article.

SEC. 493. Section 8012 of the Public Resources Code is amended to read:

Preparation

8012. The technical methods used in preparation of the state base map, the terms of the contract, the specifications, and acceptance of the base maps or units thereof shall be the responsibility of the department.

SEC. 494. Section 8013 of the Public Resources Code is amended to read:

Cooperative agreements

8013. The department may enter into cooperative agreements with any department of the State qualified in the making and using of surveys and maps for the performance of such duties, reasonably connected with the functions of the department, as may aid in the accomplishment of the objectives prescribed in this article.

SEC. 495. Section 8014 of the Public Resources Code is amended to read:

Contracts

8014. The department may enter into contracts with public and private agencies for mapping and surveys not now the direct responsibility of existing state agencies with the approval of the Director of Finance.

SEC. 496. Section 8014.5 of the Public Resources Code is amended to read:

Federal Government

8014.5. With the approval of the Director of Finance the department may enter into cooperative agreements with the Federal Government or any agency or agencies thereof for performance of map production work in accordance with the general plan and program adopted hereunder.

SEC. 497. Section 8015 of the Public Resources Code is amended to read:

Grants

8015. The department is authorized to accept grants from the Federal Government or any of its agencies, or from any county, city and county, or city or other political agencies, and may accept gifts for the purpose of implementing mapping and surveys of this State when the same meet the specifications adopted by the department.

SEC. 498. Section 8016 of the Public Resources Code is amended to read:

Mapping procedure

8016. To enable the coordination of the programs of the several map-making agencies, the department shall cause data to be assembled covering the various types of maps produced or being produced by federal, state or other agencies, their uses and estimated cost of production, the mapping facilities of all departments engaged in the preparation of maps and any duplication of mapping by state departments. All state agencies making and using maps shall cooperate in furnishing the necessary information covering all mapping procedure. These assembled data may be used by the department for all state mapping or map-making.

SEC. 499. Section 8017 of the Public Resources Code is amended to read:

Public information service

8017. The department shall collect information relative to maps and surveys of the State of California or parts thereof and provide a public information service for public and private persons and agencies relative to maps and surveys of the State. Such information service shall be maintained at Sacramento and may be maintained at Los Angeles and San Francisco.

Location

SEC. 500. Section 8018 of the Public Resources Code is amended to read:

Reproduction

8018. The Department of Water Resources may reproduce copies of maps and survey data of the State which are not otherwise available to the general public. Such copies may be sold and distributed at a price determined by the Department of Water Resources, with the approval of the Department of Finance.

SEC. 501. Section 8019 of the Public Resources Code is amended to read:

Aerial mapping

8019. The department shall prepare and distribute to public officials, uniform specifications and regulations for aerial photographic mapping procedure and for the preparation of planimetric or topographic maps by photogrammetric methods.

SEC. 502. Section 8020 of the Public Resources Code is amended to read:

Specifications

8020. On the requests of the state departments the Department of Water Resources shall prepare specifications for the making of maps of the various types suited to the uses required by the departments or the public.

SEC. 503. Section 8021 of the Public Resources Code is amended to read:

Annual report

8021. The department shall submit an annual report to the Governor and the Legislature.

SEC. 504. Section 8022 of the Public Resources Code is amended to read:

Expenditures

8022. No part of any money appropriated or otherwise made available to carry out the provisions of this article shall be expended for the original production of maps unless and until an equal or greater amount of money shall have been

made available (by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the Executive Department of the State Government) for expenditure by the department for work of map production to the end that any sums expended from money appropriated or otherwise made available to carry out the provisions of this article shall be matched by like or greater amounts from sources other than the State Treasury or funds of any agency which is a part of the Executive Department of the State Government; provided, that when the United States or any agency thereof matches funds it shall not be required that funds to be provided from federal sources shall be paid into the State Treasury. However, any work of production of maps which conforms to the general program and prescribed standards thereof, hereafter performed by political subdivisions of the State, may, with the approval of the department be considered as a contribution of moneys to the amount of the cost thereof.

SEC. 505. Section 8025 of the Public Resources Code is amended to read:

8025. The Department of Water Resources shall keep a record of all expenditures chargeable against each portion of the Water Resources Revolving Fund derived from matching moneys and any unused balance in any such portion of the fund shall on approval by the Department of Finance be withdrawn therefrom and paid out or refunded as provided in the agreement relating to such matching moneys. Record

SEC. 506. Section 8832 of the Public Resources Code is amended to read:

8832. As used in this chapter, "department" means the Department of Water Resources. "Department"

SEC 507. Section 8833 of the Public Resources Code is amended to read:

8833. The department shall investigate and prepare a complete report on mapping, including plans and recommendations for an adequate mapping program for California, and shall adopt a general plan and program for the accomplishment of the policy declared in this chapter. The general plan and program so adopted, or as amended or modified, shall be the authorized general plan and program to be carried out by the department. The department may from time to time make such further investigations and reports upon mapping as deemed proper by it in pursuance of the policy declared in this chapter. Report

SEC. 508. Section 16 of the San Diego County Flood Control District Act (Chapter 1372, Statutes of 1945) is amended to read:

Sec. 16. Copies of each and all of the reports of each public agency shall be filed, kept on file, and available for public inspection at all reasonable hours, at the principal office of the public agency, the office of the board of supervisors of San Public inspection

Diego County, and the office of the Department of Water Resources.

SEC. 509. Section 1 of Chapter 1394 of the Statutes of 1949 is amended to read:

Surveys

Section 1. The Department of Water Resources is hereby authorized and directed to make investigations and conduct surveys and studies for the purpose of formulating recommendations for the control of storm and flood waters in Dorchester Creek in the County of Los Angeles.

SEC. 510. Section 2 of Chapter 1394 of the Statutes of 1949 is amended to read:

Recommendations

Sec. 2. The recommendations of the Department of Water Resources shall include:

(a) A description of the kind and amount of improvement required.

(b) A statement of the urgency of the improvement with relation to the other storm and flood control projects in the area.

(c) Plans for financing and maintaining the work either in its entirety or in sections.

(d) A report from the State Director of Public Health as to the urgency of the improvement for the protection of the public health. The Director of Public Health is hereby authorized and directed to make such investigation of the sanitary and public health conditions along Dorchester Creek as may be requested by the Department of Water Resources.

(e) Such other information as may, in the opinion of the department, be necessary to a complete understanding of the scope and extent of the problem.

SEC. 511. Section 3 of Chapter 1394 of the Statutes of 1949 is amended to read:

Powers

Sec. 3. In carrying out the duties imposed upon it by this act, the department shall have and may exercise all of the jurisdiction, power and authority conferred upon it by the State Water Resources Law of 1945.

SEC. 512. Section 4 of Chapter 1394 of the Statutes of 1949 is amended to read:

City engineers

Sec. 4. The city engineer of each of the following cities:

(a) Alhambra

(b) South Pasadena

(c) Los Angeles

and the Chief Engineer of the Los Angeles County Flood Control District are hereby authorized and directed to cooperate with the department in any of the studies and investigations undertaken by it pursuant to this act.

SEC. 513. Section 5 of Chapter 1394 of the Statutes of 1949 is amended to read:

Cost estimate

Sec. 5. Before undertaking any investigation under this act the department shall prepare and submit to the Cities of Alhambra, South Pasadena and Los Angeles and to the Los Angeles County Flood Control District a written estimate of the cost of making the investigation. If the local agencies agree

to pay the cost of the investigation the department shall proceed with the same. The local agencies referred to are authorized to reimburse the department for the cost of any investigation made by it under this act.

SEC. 514. Section 32 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951) is amended to read:

Sec. 32. Any territory within the district and not substantially benefited by being within the district may be excluded by order of the board upon the verified petition of the owner or owners in fee of lands whose assessed valuation is in excess of one-half of the assessed valuation of all lands held in private ownership in such territory as shown by the last equalized assessment roll. Territory exclusion

The petition shall describe the territory sought to be excluded and shall set forth that such territory is not substantially benefited by being in the district and shall pray that such territory be excluded and taken from said district. It shall be filed with the board and accompanied by a deposit with the board of the sum of five hundred dollars ($500), to meet expenses of advertising and costs incident to the proceedings, any unconsumed balance to be returned to the petitioner or petitioners.

Upon the filing of the petition, the board shall transmit a copy thereof to the Department of Water Resources which shall make an investigation and determine whether the lands proposed to be excluded, or some portion thereof, is not substantially benefited by inclusion in the district. Upon completing such investigation, the department shall file its report with the board, which shall describe specifically the lands, if any, which will not be so benefited. The cost and expense of such investigation and report shall be a charge against the district and against the deposit made by the petitioners. Investigation Costs

Upon the filing of the report, the board shall fix a time when the petition and report will be presented to the board, which shall be not less than 25 days nor more than 50 days after the filing of the report, and shall cause a notice of the filing thereof to be published once a week for at least two weeks in one newspaper of general circulation printed and published in each county within which any portion of the district lies. Such notice shall also state the date of the filing of the petition and the date of the filing of the report and the time when he will present them to the board and that they will come on for hearing before the board at such time and shall state the place where the board will meet for the purpose of holding such hearing. Any landowner or taxpayer or other person interested within the district shall have the right to appear at said hearing either in behalf of or in opposition to the granting of said petition. If upon such hearing the board determines that the petition complies with the provisions of this section and determines either that it is for the best interests of the district that the lands mentioned in the petition, Hearing

or some portion thereof, be excluded from the district or if it determines that such lands, or some portion thereof, will not be substantially benefited by their continued inclusion in the district (and lands which the report of the Department of Water Resources states will not be so benefited shall be included as such lands by the board in making its determination), the board shall make an order that such lands, or such portion thereof, be excluded from the district, such order to describe specifically the land so excluded. From the time of making such order, the lands so excluded shall be deemed no longer included in the district, but such order of exclusion shall not invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded, nor shall it in any way limit the authority of the board to levy taxes for the payment of principal and interest under the terms of any contract approved by the voters or of bonds theretofore voted or issued by the district. The chairman of the board shall certify that such order has been adopted to the Secretary of State and to the County Recorder of Yolo County. Upon receipt of the certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the adoption of such order and the exclusion of the area from the district. A copy of such certificate shall be transmitted to and filed with the County Clerk of Yolo County.

SEC. 515. Section 42 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Territory exclusion

Sec. 42. (1) Any territory within the district and now or hereafter embraced within the boundaries of an incorporated city and not substantially benefited by being within the district or by continued inclusion therein, may be excluded by order of the board upon the verified petition of the owner or owners in fee of lands whose area is in excess of one-half of the area of all lands held in private ownership in such territory.

Petition

The petition shall describe the territory sought to be excluded, and generally describe the land of each petitioner sought to be excluded, and the land sought to be excluded of each owner of record who does not sign the petition together with the name of its owner according to the records of the county recorder of the county in which the land is situated and shall set forth the reasons why it is claimed that such territory should be excluded and taken from said district. It shall be filed with the secretary.

Hearing

Upon the filing of the petition, the secretary shall fix a time when the petition will be presented to the board, which shall be not less than 25 days nor more than 50 days after the filing of the petition, and shall cause notice of the filing thereof to be published once a week for at least two weeks in one newspaper of general circulation printed and published in each county within which any portion of the district lies. Such notice shall also state the date of the filing of the petition, a description of the land proposed to be excluded, the names of the petitioners, the time when the secretary will present the

petition to the board and that it will come for hearing before the board at such time and shall state the place where the board will meet for the purpose of holding such hearing, and such notice shall also contain an announcement that any persons interested in the proposed exclusion may appear at the time of the hearing and file objections in writing showing cause, if any they have, why the land or any of it should not be excluded Any landowner or taxpayer or other interested person within the district shall have the right to appear at said hearing either in behalf of said petition or in behalf of said written objections. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned the board shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections. The evidence at such hearing shall be taken down in shorthand and a record made of it and filed with the board. If upon Order such hearing the board determines that the petition complies with the provisions of this section and determines either that it is for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district or if it determines that such lands, or some portion thereof, will not be substantially benefited by their continued inclusion in the district, the board shall make an order that such lands, or such portion thereof, be excluded from the district, such order to describe specifically the land so excluded. From the time of making such order, the lands so excluded shall be deemed no longer included in the district, but such order of exclusion shall not invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded, nor shall it in any way limit the authority of the board to levy taxes for the payment of principal and interest under the terms of any contract approved by the voters or of bonds theretofore voted or issued by the district or any improvement district embracing such lands so excluded. The president and secretary of the board shall certify that such order has been adopted to the Secretary of State and to the county recorder of each county within which any portion of said district is located. Upon receipt of the certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the adoption of such order and the exclusion of the area from the district. A copy of such certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

The expense of giving the notice and of the aforesaid pro- Costs ceedings on exclusion shall be paid by the persons filing the exclusion petition.

(2) Any other territory within the district and not sub- Exclusion stantially benefited by being within the district or by continued inclusion therein, may be excluded by order of the board upon the verified petition of the owner or owners in fee of lands whose assessed valuation is in excess of one-half

of the assessed valuation of all lands held in private ownership in such territory as shown by the last equalized assessment roll.

Petition

The petition shall describe the territory sought to be excluded and shall set forth that such territory is not substantially benefited by being in the district or its continued inclusion therein and shall pray that such territory be excluded and taken from said district. It shall be filed with the secretary and accompanied by a deposit with the secretary of the sum of five hundred dollars ($500), to meet expenses of advertising and costs incident to the proceedings, any unconsumed balance to be returned to the petitioner or petitioners.

Investigation

Upon the filing of the petition, the secretary shall transmit a copy thereof to the Department of Water Resources which shall make an investigation and determine whether the lands proposed to be excluded, or some portion thereof, will not be substantially benefited by their continued inclusion in the district. In making a determination upon any such petition for exclusion of lands the department shall exercise his own independent judgment as to whether the lands described in the petition for exclusion will be substantially benefited by remaining in the district, and the department shall not be bound by the findings of the Legislature in this act with respect thereto. Upon completing such investigation, the department shall file its report with the secretary, which shall describe specifically the lands, if any, which will not be so benefited. The cost and expense of such investigation and report shall be a charge against the district and against the deposit made by the petitioners.

Costs

Hearing

Upon the filing of the report, the secretary shall fix a time when the petition and report will be presented to the board, which shall be not less than 25 days nor more than 50 days after the filing of the report, and shall cause a notice of the filing thereof to be published once a week for at least two weeks in one newspaper of general circulation printed and published in each county within which any portion of the district lies. Such notice shall also state the date of the filing of the petition and the date of the filing of the report and the time when he will present them to the board and that they will come on for hearing before the board at such time and shall state the place where the board will meet for the purpose of holding such hearing. Any landowner or taxpayer or other person interested within the district shall have the right to appear at said hearing either in behalf of or in opposition to the granting of said petition. If upon such hearing the board determines that the petition complies with the provisions of this section and determines either that it is for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district or if it determines that such lands, or some portion thereof, will not be substantially benefited by their continued inclusion in the district (and lands which the report of the Department of

Water Resources states will not be so benefited shall be included as such lands by the board in making its determination), the board shall make an order that such lands, or such portion thereof, be excluded from the district, such order to describe specifically the land so excluded. From the time of making such order, the lands so excluded shall be deemed no longer included in the district, but such order of exclusion shall not invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded, nor shall it in any way limit the authority of the board to levy taxes for the payment of principal and interest under the terms of any contract approved by the voters or of bonds theretofore voted or issued by the district or any improvement district embracing such lands so excluded. The president and secretary of the board shall certify that such order has been adopted to the Secretary of State and to the county recorder of each county within which any portion of said district is located. Upon receipt of the certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the adoption of such order and the exclusion of the area from the district. A copy of such certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

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. 518. Sections 516 and 517 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 520.5, 526.5, 537, 538, 541, and 552 of the Fish and Game Code adopted in 1933 are repealed.

Prevailing bill

SEC. 519. 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 law amended, renumbered, or repealed by this bill shall prevail over this bill unless a contrary intention is specifically expressed in such other bill.

CHAPTER 1933

An act to amend Section 11501 of the Government Code, relating to administrative hearings.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to

those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.
Board of Medical Examiners of the State of California.
Board of Osteopathic Examiners of the State of California.
Board of Nurse Examiners of the State of California.
State Board of Optometry.
California State Board of Pharmacy.
State Department of Public Health.
State Board of Public Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Civil and Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Yacht and Ship Brokers Commissioner.
Director of Professional and Vocational Standards.
State Collection Agency Board.
State Fire Marshal.
State Mineralogist.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners.
Board of Social Work Examiners of the State of California.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
California Aeronautics Commission.
Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection
Cemetery Board.

State Water Pollution Control Board.
Regional Water Pollution Control Board.
Department of Natural Resources.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Private Investigators and Adjusters.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.
California Horse Racing Board.

CHAPTER 1934

An act to amend Sections 4227, 4228, and 4230 of the Agricultural Code, relating to the marketing of fluid milk, fluid cream, and fluid skim milk.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4227 of the Agricultural Code is amended to read:

4227. Class 2 comprises any fluid milk, fluid skim milk or fluid cream which is used in the manufacture of any product for which a definition and standard is prescribed in Division 4 of this code, except any such product which is included in Classes 1 and 3. Fluid milk: Class 2

SEC. 2. Section 4228 of said code is amended to read:

4228. Class 3 comprises all fluid milk, fluid skim milk, or fluid cream, which is used in the manufacture of butter, cheese other than cottage cheese, dried milk, dried skim milk, nonfat dry milk solids, defatted milk solids, dried buttermilk, or any product for which no definition and standards are prescribed in Division 4 of this code; provided, that whenever the director establishes a temporary definition and standards for any new milk product pursuant to Section 441 he shall assign such new product to that class under this article which includes the most nearly comparable product or products as determined by the director; and provided further, that any product required by any regulation of the director pursuant to Section 441 to be made from market milk or any components or derivatives of market milk shall be included within Class 1. Class 3

SEC. 3. Section 4230 of said code is amended to read:

4230. In designating and prescribing or providing methods for designating and prescribing minimum prices to be paid by distributors to producers for Classes 2 or 3 fluid milk, fluid skim milk or fluid cream, the director may take into consideration all relevant economic factors, including but not limited to Minimum prices

the relative market values of the various products involved and the market price of other milk which may be used for the same purposes set forth in such respective classes. In no event shall any distributor pay producers or any association of producers less than the applicable price established for the usage to which the fluid milk, fluid skim milk or fluid cream purchased from them is applied; and no payment shall be made by distributors to producers or any association of producers of prices lower than those established in the applicable stabilization and marketing plan for Class 3 usage.

CHAPTER 1935

An act to amend Sections 35470, 35851, and 35876 of, and to add Sections 35881, 35882, 35883, 35884, 35885, 35886, and Part 6.5 (commencing at Section 36460) to Division 13 of, the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 35470 of the Water Code is amended to read:

Charges

35470. Any district formed on or after July 30, 1917, may, in lieu in whole or in part of raising money for district purposes by assessment, make water available to the holders of title to land or the occupants thereon, and may fix and collect charges therefor. The charges may include stand-by charges to holders of title to land to which water may be made available, whether the water is actually used or not. The charges may vary in different months and in different localities of the district to correspond to the cost and value of the service, and the district may use so much of the proceeds of the charges as may be necessary to defray the ordinary operating expenses of the district.

SEC. 2. Section 35851 of said code is amended to read:

Contracts

35851. A district may for a valuable consideration enter into any contract with the United States, the State, or any department or agency of either, or with any distribution district or improvement district formed within its boundaries, or with any political subdivision of the State, including irrigation and reclamation districts, as the board deems proper, advisable, or in the interest of the district for any one or more of the following purposes:

Purposes

(a) For the storage, regulation, control, development, and distribution of water for the irrigation of land.

(b) For the use, control, and distribution of drainage water within the district.

(c) For the construction, extension, operation, control, maintenance, and management of any works or other property constructed or acquired by the district, or over which it may have control, or which may be used or useful for the irrigation or drainage of land or for providing hydroelectric power.

SEC. 3. Section 35876 of said code is amended to read:

Same

35876. The cooperation and contract may be for any or all of the following purposes:

(a) Acquisition, extension, or operation of works for irrigation or drainage or flood control.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the United States.

(d) To receive or borrow money from the United States and provide for the repayment thereof, for the purpose of constructing projects, distribution systems or other works for the district or for any distribution district or improvement district formed therein, which said works shall be used for the storage, regulation, control, development and distribution of water for the irrigation of land or for the use, control and distribution of drainage water within the district or for flood control purposes.

SEC. 4. Section 35881 is added to said code, to read:

Election

35881. A proposal to enter into a contract with the United States for any purpose other than obtaining a water supply shall be authorized at an election.

SEC. 5. Section 35882 is added to said code, to read:

Proceedings

35882. Proceedings at the election shall be had insofar as applicable in the manner provided in the case of issuance of general obligation bonds.

SEC. 6. Section 35883 is added to said code, to read:

Notice

35883. Notice of the election shall specify:

a. The time and place of the election.

b. The purpose of the election.

c. A brief statement of the general purpose of the contract.

d. The amount of money to be paid to the United States under the contract.

SEC. 7. Section 35884 is added to said code, to read:

Ballots

35884. 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 amount of money to be paid to the United States under the contract with the words "Contract—Yes" and "Contract—No."

SEC. 8. Section 35885 is added to said code, to read:

Approval

35885. All contracts entered into or made pursuant to this chapter shall be first approved by the California Districts Securities Commission.

SEC. 9. Section 35886 is added to said code, to read:

Execution

35886. After approval by the California Districts Securities Commission the board may execute the contract on behalf of the district if two-thirds of the votes cast at the election favor the contract.

SEC. 10. Part 6.5 is added to Division 13 of said code, to read:

PART 6.5. DISTRIBUTION DISTRICTS IN WATER DISTRICTS

CHAPTER 1. FORMATION

Article 1. Petition for Formation

Distribution district

36460. Land within a water district, which need not be contiguous, may be formed into a distribution district for the purpose of contracting with the United States, pursuant to federal reclamation laws, or for the purpose of contracting with the district for the construction of a distribution system separate from or supplemental to the works of the district.

"Federal reclamation law"

36461. As used in this part, "federal reclamation law" shall mean the Federal Reclamation Act of June 17, 1902 (32 Stats. 388), and all acts amendatory thereof or supplemental thereto.

Petition

36462. The formation of a distribution district may be proposed and the petition therefor shall be signed by two-thirds or more in number of the holders of title to the land in the proposed distribution district appearing on the last equalized assessment roll of the district.

Contents

36463. A petition for the formation of a distribution district shall contain all of the following:

(a) Statement of the plans of the proposed distribution system.

(b) Description of the land in the proposed distribution district.

(c) Names of the owners of all land within the proposed distribution district with their last known addresses.

(d) Description of the land owned in the proposed distribution district by each owner, which shall be according to the next preceding equalized assessment book of the district.

(e) Signatures of the petitioners.

Number designation

36464. The petition, all proceedings in reference to it, the distribution district, and the land in it shall be designated by a number.

36465. The petition may consist of any number of separate instruments, which shall be duplicates except as to signatures.

Filing

36466. A petition to form a distribution district shall be filed with the secretary in the office of the district and may be inspected by all persons interested.

Article 2. Plans and Estimate of Assessment

Survey

36470. Upon receipt of a petition to form a distribution district the board shall cause a survey to be made of the proposed distribution system.

Report

36471. If the survey shows that the improvements are feasible, the board shall cause to be prepared the following:

(a) Plans and specifications of the proposed distribution system.

(b) An estimate of the cost of the proposed distribution system, which may include an amount not in excess of ten percent (10%) of the aggregate cost of the proposed distribution system, to create a reserve fund to be used and applied as additional security for the payment of any sums due under a contract with the United States or the district for the payment of the cost of the proposed distribution system.

(c) Statement of the proposed assessment which probably will be necessary to meet the distribution district's obligation to the United States or the district under the proposed contract or contracts, apportioned to each tract of land in the proposed distribution district as the tracts appear on the last equalized district assessment book and to district-owned land in the proposed distribution district, whether or not it appears on the last equalized district assessment book, which apportionment shall be according to the benefits that will accrue to each tract by virtue of the construction of the distribution system.

Filing of plans and specifications

36472. The plans and specifications, estimate of cost and the statement of the proposed assessment shall be filed with the secretary in the office of the district and may be inspected by all persons interested.

Article 3. Hearing on Formation

Hearing

36480. After the filing of the formation petition, the plans and specifications, the estimate of cost and statement of the proposed assessment, the board shall give notice of a hearing upon the petition, which said notice shall also state that the hearing is called to determine whether or not the special assessment should be levied.

Notice

36481. Notice of the hearing shall be given by all of the following:

(a) Posting a notice in three public places within the proposed distribution district.

(b) Publication of the notice once a week for two weeks in a newspaper published in the office county.

(c) Mailing a copy of the notice to the last known address of all of the owners of land in the proposed distribution district to the addresses appearing on the last equalized assessment roll of the district.

The notices shall be posted and mailed not less than 20 days prior to the date set for the hearing

Objections

36482. At the hearing the board shall hear any objections coming before it to any of the following:

(a) The petition

(b) The formation of the distribution district.

(c) The land to be included within the distribution district.

(d) The plans and specifications.

(e) The estimate of cost.

(f) The proposed assessment.

(g) The apportionment of the assessment.

Exclusion, etc

36483. At the hearing the board shall make any changes in reference to matters set forth in Section 36482 as it considers proper. The board may exclude any part of the land described in the petition from the proposed distribution district and may include additional land.

36484. If any additional land is included within the proposed distribution district, the hearing shall be continued and the owners of the added land given personal notice of not less than 20 days of the addition of the land to the distribution district.

Article 4. Formation and Assessment

Denial of petition

36490. Regardless of any findings made by the board, if more than one-third in number of the holders of title to land within the proposed distribution district object at the hearing to its formation or to the levy of the proposed assessment, the board shall deny the petition and no further proceeding shall be had on it.

Disapproval

36491. If at the hearing the board finds that it would not be for the best interests of the district to form the distribution district, the board shall order the proceedings dismissed without prejudice to their renewal.

Approval

36492. If the board finds that it would be for the best interests of the district and the proposed distribution district to form the distribution district, it shall make and enter in its minutes a final order:

(a) Approving the petition.

(b) Forming the distribution district.

(c) Providing that the assessment shall be levied each year in the same manner as district assessments to meet the obligations of the contract with the United States under federal reclamation laws or the obligations of the contract with the district.

(d) Apportioning the assessment to the land in the distribution district according to benefits.

(e) Describing the land in the distribution district.

Assessments

36493. Assessments levied for the purpose of meeting obligations accruing under a contract with the United States pursuant to the reclamation laws or under a contract with the district, shall be payable in the same manner and at the same time as district assessments, and such distribution district assessments shall be made in the number and amount sufficient to meet the obligations accruing under such contract.

Recording

36494. The secretary shall cause a certified copy of the order creating the distribution district to be recorded in the office of the county recorder in each county in which any land of the distribution district is situated.

Lien

36495. The assessment, and each installment of it, shall be and remain a lien on the land in the distribution district in the same manner as, and be a part of, the annual assessment of the district.

Joint liability

36496. All lands of the distribution district shall remain jointly liable for all obligations accruing to the United States or accruing to the district under any contract between the distribution district and the United States or any contract between the distribution district and the district.

Reapportionment

36497. Upon a change or resubdivision upon the assessment book of the district of any parcel of land in a distribution district, the board upon its own initiative or upon petition of the owner of the parcel so changed or resubdivided, may reapportion the distribution district assessment upon the parcel, and the order of reapportionment shall be recorded in the same manner as the order levying the original assessment.

Proportionate reduction

36498. If the actual amount to be paid by the distribution district to the United States or to the district under the contract to be executed is substantially less than the estimated amount, the assessment may be reduced proportionately on each parcel by recomputing it, based on the actual amount to be repaid as set forth in said contract. The reapportionment or a statement that the assessment on each parcel has been reduced by a designated percentage shall be recorded in the same manner as the order levying the original assessment.

Unpaid installments

36499. Installments of assessments levied on district owned land becoming due while the land is still owned by the district shall be paid by the district. Conveyance of such lands into private ownership shall not release the lien thereon of the assessment and the unpaid installments of it.

Chapter 2. Inclusion and Exclusion of Land

Article 1. Inclusion of Land

Additional land

36500. If at any time it is desired to include additional land in a distribution district, a petition for inclusion signed by the owners of the land to be included and by two-thirds in number of the holders of title to the land in the distribution district may be filed with the board.

Inclusion petition

36501. The inclusion petition shall describe the land in the distribution district as enlarged by the proposed inclusions and give the names and addresses of the owners of the additional land in substantially the same manner as in the original petition for forming a distribution district.

36502. The same proceedings shall be had on the distribution district inclusion petition as upon the original petition for the formation of a distribution district.

Article 2. Exclusion of Land

Petition

36510. At any time before a district has incurred any indebtedness or obligation, or after all indebtedness and obligations have been discharged, two-thirds or more in number of the holders of title to an area of land in the distribution district, as appears on the last equalized assessment roll, desiring to be excluded therefrom may by verified petition filed with the board of the district, request that the area be excluded from the distribution district.

Hearing

36511. The secretary of the district, upon the filing of the petition, shall examine it and if, in his opinion, the petition has been signed by the requisite number of landowners, he shall set it for hearing at the first regular meeting of the board of the district held after the expiration of 30 days after the filing of the petition.

Notice

36512. The secretary of the board shall cause notice of the time and place of hearing to be posted for a period of two weeks next preceding the hearing (a) in three public places in the area requested to be excluded, and (b) in three public places in the area of the distribution district which has not been requested to be excluded, and to be published once a week for two weeks in a newspaper of general circulation in the county in which any portion of the distribution district is located.

Order

36513. At the time and place of the hearing, anyone interested in the petition for exclusion may appear before the board of the district and urge or oppose its approval. After the hearing, if the board of the district determines that it is for the best interests of the distribution district that the land requested to be excluded, or any portion thereof, should be excluded, the board of the district shall make an order excluding the land, or portion thereof, and cause it to be recorded in the office of the county recorder of each county in which the excluded land is located.

Costs

36514. All expenses incurred in connection with a petition to exclude lands from a distribution district shall be paid by the petitioners.

CHAPTER 3. FUNCTIONING OF DISTRICTS

Article 1. Distribution District Management

Powers

36520. In a district containing a distribution district the board and all of the officers of the district each respectively has all of the rights, powers and privileges as to the distribution district, its land, and the proceedings in relation to the distribution district that each respectively has for the district of which the distribution district is a part, including the right of the district to acquire, own, hold and dispose of property, and to contract in the name of the distribution district.

Property holding

36521. The board may also hold or dispose of property used or acquired in connection with the distribution district in the name of the directors and their successors in office as trustees for the distribution district.

Charges

36522. The board of the district may in lieu in whole or in part of levying assessments for repayment of construction costs under a contract with the United States or with the district, fix and collect charges for the use of water or for any other service furnished by means of the distribution system in the same manner and with the same effect as charges are made and collected by districts for the use of water or for services. Such charges may be in excess of charges made and collected by the district for the use of water or for services in other areas of the district.

Maintenance

36523. The board of the district may provide for any maintenance and operation of the distribution system of a distribution district that may be required by the provisions of the contract between the distribution district and the United States under the federal reclamation laws or under the contract between the distribution district and the district, from funds of the district in lieu of levying further distribution district assessments for such purposes.

36524. The board of the district may provide for any maintenance and operation of the distribution system of a distribution district that may be required by the provisions of the contract between the distribution district and the United States under the federal reclamation laws or under the contract between the distribution district and the district, from funds raised by charges which are fixed and collected for the use of water or for any other such service furnished by means of the distribution system, in the same manner and with the same effect as charges are made and collected by district for the use of water or for services. Such charges may be in addition to other charges made by the district for the furnishing of water or other services.

Warrants

36525. A district may issue distribution district warrants signed by its president and secretary from receipts of distribution district assessments and charges in such amounts and to the United States, the district or such persons as may be required to carry out the provisions of a contract between a distribution district and the United States, executed under the federal reclamation laws, or a contract between the distribution district and the district.

Article 2. Actions and Proceedings

Findings, etc

36530. All acts, proceedings, conclusions, and findings of fact, including the levy of assessments or charges, by a board of a district concerning a distribution district herein shall be conclusive except in an action or proceeding instituted within six months after the acts, proceedings, conclusions, or findings were had or made.

Validity of assessment

36531. The board of a district in which a distribution district is located may, at any time after the levy of any assessment for the distribution district, bring an action to determine the validity of the assessment in the same manner and with the same effect as provided for the determination of the validity of district bonds and assessments.

36532. No irregularity or omission not affecting the substantial rights of the landowners within a distribution district shall affect the validity of any act done or proceeding taken in relation to the distribution district.

CHAPTER 4. DISSOLUTION OF DISTRIBUTION DISTRICTS

Dissolution

36540. At any time prior to incurring any indebtedness or obligation, or upon the full payment of all indebtedness or obligations of a distribution district a petition, signed and acknowledged by not less than the number of owners of land constituting the distribution district required to sign a petition to form the distribution district, may be filed with the board requesting that the distribution district be dissolved.

Hearing

36541. A hearing on dissolution shall be had in the same manner and after the same notice as is required for the formation of a distribution district.

36542. The board may, after the hearing, order the distribution district dissolved.

Order

36543. The order of dissolution shall be recorded in the same manner as the order forming the distribution district.

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:

Certain of the California water districts are in the process of constructing distribution systems to provide water for the lands within their boundaries.

Within these districts, there are certain areas which have peculiar needs as to local conditions, which require different types of distribution systems than other areas within the district.

In order to provide a method by which local areas can construct distribution systems to meet the increasing demand for surface water, and to take advantage of funds made available by the United States it is necessary that a statutory procedure be adopted which will accomplish this purpose. Unless such a procedure is adopted, many areas within California water districts will not have sufficient water to adequately irrigate their crops during the present year.

If this act becomes effective immediately, such districts can finance and construct needed facilities without delay.

CHAPTER 1936

An act to amend Section 69595 of the Government Code, relating to courts.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 13 judges of the superior court.

CHAPTER 1937

An act to add Section 1220 to the Civil Code, relating to standing timber or trees.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1220 is added to the Civil Code, to read:

1220. Contracts for the purchase or sale of standing timber or trees, for severance or otherwise, and all instruments in writing by which any estate or interest in, or right to cut, standing timber or trees is created, aliened, mortgaged or encumbered or by which the title to any standing timber or trees may be affected, may be acknowledged or proved, certified and recorded in like manner and with like effect, as grants of real property, and all statutory provisions relating to the recordation or nonrecordation of conveyances of real property or to the effect thereof shall apply to such contracts and instruments with like effect.

In enacting this section, it is the intent of the Legislature to remove any possible ambiguity which may exist in the present law relating to the recordation of certain documents and to codify the existing law without change or addition, thus recognizing specifically by statute the unvarying practice of county recorders for many years.

CHAPTER 1938

An act to add Chapter 8 (commencing at Section 26600) to Part 10 of Division 11 of the Water Code, relating to an alternative procedure for assessment and collection of assessments by counties in irrigation districts with less than 3,000 acres.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Chapter 8 is added to Part 10 of Division 11 of the Water Code, to read:

CHAPTER 8. ALTERNATIVE PROCEDURE FOR ASSESSMENT AND COLLECTION BY COUNTY

Article 1. General Provisions

Alternate procedure

26600. The procedure provided by this chapter shall be optional with any district of less than 3,000 acres electing as herein provided to proceed hereinunder and shall be an alternate procedure to that set forth in Chapters 1 to 7, inclusive, of this part.

Office of assessor, etc.

26601. At its option, the board of directors of a district may adopt a resolution declaring its intention to dispense with either the office of assessor or both the offices of assessor and collector of the district, and to transfer the duties of either the assessor or of both such officers to the assessor or to the assessor and tax collector of the county or counties in which the lands within such districts are located

Service of copies

26602. Certified copies of such resolution shall be served on the clerk of the board of supervisors and on the auditor, assessor and collector of the county or counties in which the lands within the district are located.

Acceptance

26603. Within 30 days of the receipt of such resolution, the board of supervisors shall adopt a resolution advising the district of the charges to be made for the services to be performed by the county. If the board of directors elects to accept the terms offered by the county, it shall adopt a resolution reciting its acceptance, dispensing with the office of district assessor or with both the offices of district assessor and district collector, and transferring their duties to the assessor or to the assessor and tax collector of the county or counties in which the lands within the district are located.

Contract

26604. The acceptance of the county's terms by the district as evidenced by the board's resolution shall constitute a contract between the county and the district which shall become effective on the first Monday of February next following its adoption and which shall continue for a term of four years from its effective date. The contract shall be automatically

renewed for successive four-year terms unless terminated by either the district or the county by the adoption of a resolution and its service on either the clerk of the board of supervisors by the district, or on the secretary of the district by the county, at least 90 days prior to the expiration of the then-current term of the contract.

Termination

26605. Upon termination of the contract, the board of directors of the district shall appoint an assessor, or both an assessor and collector, who shall serve until the election of their successor at the next general district election.

Collection

26606. After termination of the contract, the county officers shall continue with the collection of district assessments on the county rolls and with the redemption or deeding of property subject to delinquent district assessments on county rolls until all such assessments have been collected or all such property has been either redeemed or deeded to the district.

Article 2. Assessment and Equalization

Assessment basis

26625. The applicable part of the county assessment rolls as made by the county assessor and equalized or corrected by the board of supervisors or the State Board of Equalization shall be the basis for levying the district's assessments.

Rate difference

26626. On or before the first Monday of March of each year, the board of directors of the district shall cause to be filed with the county auditor a description of the exterior boundaries of any portion of the district in which a rate of assessment is to be levied which is different from the rate to be levied in any other portion of the district.

Total value

26627. Annually, on or before the third Monday in August, the county auditor shall transmit to the directors of the district a written statement showing separately the total value of all lands within the district subject to assessment and the total value of all such lands in any portion of the district within which a different rate of assessment is to be levied. The values so reported shall be those obtained from the assessment books of the county as last equalized and corrected together with an estimate of the values of the lands within the district subject to assessment by the State Board of Equalization.

Duplicate assessment rolls

26628. Where the district has not elected to transfer the duties of collector to the county tax collector, the county assessor shall furnish the district a duplicate of the applicable portions of the county's assessment rolls at the time of transmittal of the statement of values required by Section 26627 and, upon receipt, a duplicate statement of the assessed values of all lands within the district subject to assessment by the State Board of Equalization. The rolls and statement so delivered shall for all purposes become the assessment rolls of the district.

Annual assessment

26629. Within 15 days after receipt of the statement of values and duplicate rolls, the district's board of directors

shall levy an annual assessment upon the land within the district in the same manner as provided in Chapters 2 and 3 of this part.

Computation

26630. Where the district has not elected to transfer the duties of collector to the county tax collector, the secretary shall compute and enter in a separate column of the assessment roll the respective sums to be paid as an annual district assessment on the land listed and deliver the completed assessment roll to the collector before the first day of November.

Collection

26631. Upon receiving the roll from the secretary, the collector shall proceed with the collection of the assessment in accordance with the provisions of Chapters 4, 5, and 6 of this part, and such provisions shall apply to all proceedings for the enforcement of the collection of the assessment or the sale of the property as when property is assessed as provided in Chapters 2 and 3 of this part.

Article 3. Collection

Statement of assessed values

26650. Where the district has elected to transfer the duties of collector to the county tax collector, the delivery of duplicate assessment rolls shall not be required, but the auditor shall furnish to the directors the statement of assessed values as provided in Section 26605.

Annual assessment

26651. Annually before September 1st, the district's directors shall levy an annual assessment upon the lands within the district for all district purposes in the manner provided in Chapter 2 of this part, and fix the rate of assessment as provided in Chapter 3, and shall thereupon transmit to the county auditor a statement of the rates fixed. The rate shall be sufficient to recover the expense of collection in addition to other amounts required by law. If different portions of the district require different rates of assessment the statement shall include the applicable rates for such portions. The rate shall be designated in the number of cents upon each one hundred dollars ($100), using as a basis the value of the land as assessed and equalized. The statement shall include the amount of any charges which may be added to the assessment pursuant to this division and a description of the property to which the charge applies as such property is described upon the county rolls.

Computation

26652. The county auditor shall compute and enter in the assessment book the district assessment on all lands assessed as being in the district using the rates fixed by the district's board of directors and the assessed value of the lands in the assessment book at the time and in the manner he computes and enters county taxes.

Collection

26653. The assessment so levied shall be collected at the time and in the manner of county taxes and paid into the county treasury. The net amount of the taxes, after the deduction of the county's compensation for the services of its treas-

urer, assessor and tax collector shall be paid to the district by warrant of the county auditor.

Compensation

26654. The compensation paid to the county for assessing or collecting assessments for a district shall be that fixed by agreement between the board of supervisors and the district's board of directors.

Delinquency

26655. Unpaid district assessments are delinquent on the same hour and day that county taxes are delinquent and the lands subject thereto shall be sold to the district in the manner, at the time, and upon the penalties of sales of property for nonpayment of county taxes.

Redemption

26656. Lands sold for delinquent district assessments may be redeemed within three years from date of sale in the same manner as the redemption of property after sale for nonpayment of county taxes.

26657. The county auditor shall apportion to the district the money paid for redemption in the manner provided by Division 1, Part 8, Chapter 1(c) of the Revenue and Taxation Code.

Tax deed

26658. Lands unredeemed after three years have elapsed from the date of their sale for delinquent district assessments shall be deeded to the district by the county tax collector. The deed shall be substantially in the form provided for collector's deeds by Section 26276 of the Water Code and shall have the same effect and be recorded in the same manner as irrigation district's collector's deeds under the provisions of Articles 4 and 5 of Chapter 6 of this part.

CHAPTER 1939

An act to amend Section 14 of the Water Conservation Act of 1931 (Ch. 1020 of the Stats. of 1931), relating to elections of water conservation districts.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14 of the Water Conservation Act of 1931 is amended to read:

Sec. 14. At a meeting of the board of directors of the district, to be held not less than 20 days before the time for any biennial election of officers, the board shall divide the district into convenient election precincts, may appoint election boards, and shall do all things applicable thereto for the holding of such election, in the manner herein required to be done by the board of supervisors 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 and posted for not less than 15 days prior to the election. A notice shall also be posted in a conspicuous place in the office of the board of directors. Such notice shall designate the directors to be elected, the term for which each is to be elected, the respective election precincts and the polling place in each, the time of the election and the hours during which the polls will be kept open. The board of directors may give such other notice of the election as it deems necessary. No particular form of ballot shall be required to be used. The clerk shall, however, furnish ballots which shall contain the names of the candidates 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.

If by the eighth day after the first day of publication no action is taken to appoint the sole nominees pursuant to Section 14.5, and if the necessary election boards have not been previously appointed, then the clerk of the board of directors shall appoint the necessary election boards. If there is only one nominee in one division, but more than one nominee in another division, and no petition has been filed requesting that the election be held pursuant to Section 14.5, the board shall appoint the sole nominated candidate for the division concerned, and no election need be held within that division.

CHAPTER 1940

An act to add Section 1051.5 to the Water Code, relating to the State Water Rights Board

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1051.5 is added to the Water Code, to read:

1051.5. In furtherance of its powers and duties under Parts 2 (commencing at Section 1200) and 3 (commencing at Section 2000) of this division, the State Water Rights Board may supervise trial distribution of water in accordance with agreements and court orders therefor.

CHAPTER 1941

An act to amend Section 154 of, to amend the title of Article 2 (commencing at Section 150) of Chapter 2 of Division 1 of, and to amend Sections 150, 151, 152, 153, 155, 156, 157, 158, 160, 161, 162, and 163 of, the Water Code, relating to the State Water Board.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957]

In effect September 11, 1957

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

SECTION 1. Section 154 of the Water Code is amended to read:

154. The Division of Water Resources of the Department of Public Works, the Water Project Authority of the State of California, the Office of State Engineer, and the offices of the executive directors created by Section 39105 of the Water Code are each abolished. Abolished offices

The State Water Resources Board, hereafter to be known as the California Water Commission, is continued in existence within the department, but the commission shall hereafter have only the powers and duties provided in this section. The commission shall confer with, advise, and make recommendations to the director with respect to any matters and subjects under his jurisdiction. The rule-making power of the department shall be exercised in the following manner. All rules and regulations of the department, other than those relating exclusively to the internal administration and management of the department, shall be first presented by the director to the commission and shall become effective only upon approval thereof by the commission. State Water Resources Board

It is the intention of the Legislature that in the making of all major departmental determinations, policies and procedures, such as departmental recommendations to the Legislature, the director and the commission shall be in agreement whenever possible; but for the purpose of fixing responsibility to the Governor and to the Legislature, in the event of disagreement between the director and the commission upon such matters, the views of the director shall prevail. In such situations a written report upon such disagreement shall be made immediately to the Governor and to the President pro Tempore of the Senate and the Speaker of the Assembly by the commission and by the director. Legislative intent

The provisions of existing law relating to the appointment, qualifications, and tenure of the members of the commission are continued in effect except that commission members may be removed from office by the Legislature, by concurrent resolution adopted by a majority vote of all members elected to each house, for dereliction of duty or corruption or incompetency. Members

The Reclamation Board is continued in existence within the department and the provisions of law relating to the appoint- Reclamation Board

ment, qualifications, and tenure of its members are continued in effect, but said board shall continue to exercise and have all of its powers, duties, purposes, responsibilities, and jurisdiction. It is the intent of the Legislature that the Reclamation Board shall cooperate with the department in all matters of mutual concern to the fullest extent practicable.

Meetings

All meetings and hearings held by any board continued in existence within the department shall be open and public.

SEC. 2. The title of Article 2 (commencing at Section 150) of Chapter 2 of Division 1 of said code is amended to read:

Article 2. California Water Commission

SEC. 3. Section 150 of said code is amended to read:

State Water Resources Board

150. The State Water Resources Board is continued in existence within the department as the California Water Commission, but the commission shall have only the powers and duties provided in this article.

SEC. 4. Section 151 of said code is amended to read:

California Water Commission

151. The California Water Commission consists of seven members who are appointed by the Governor subject to the confirmation of the Senate, as provided in this article.

SEC. 5. Section 152 of said code is amended to read:

Members

152. The members of the California Water Commission appointed by the Governor shall be selected and approved for appointment on the basis of their general educational and business qualifications, and their knowledge of, interest in, and experience with problems relating to the control, storage, and beneficial use of water. They shall be appointed in such a manner as to afford representation on the commission of all parts of the State so far as it is practicable. In considering qualifications of members of the commission, engineering ability and experience shall be deemed advisable.

SEC. 6. Section 153 of said code is amended to read:

Terms

153. The terms of the members of the California Water Commission in office when this article takes effect shall expire as follows: one member on January 15, 1958, two members on January 15, 1959, two members on January 15, 1960, and two members on January 15, 1961.

SEC. 7. Section 155 of said code is amended to read:

Appointments

155. The appointments made by the Governor to membership on the California Water Commission shall be subject to confirmation by the Senate at the next regular or special session of the Legislature and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

SEC. 8. Section 156 of said code is amended to read:

Removal

156. The members of the California Water Commission may be removed from office by the Legislature, by concurrent resolution adopted by a majority vote of all members elected to each house, for dereliction of duty or corruption or incompetency.

SEC. 9. Section 157 of said code is amended to read:

157. Each member of the California Water Commission shall receive twenty dollars ($20) for each day during which he is engaged in the performance of his official duties, but his total compensation shall not exceed in any one fiscal year the sum of two thousand dollars ($2.000). In addition to his compensation each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties. Compensation and expenses

SEC. 10. Section 158 of said code is amended to read:

158. The California Water Commission shall maintain its headquarters at Sacramento and shall hold meetings at such times and at such places as shall be determined by it. All meetings of the commission shall be open and public. Headquarters

SEC. 11. Section 160 of said code is amended to read:

160. The members of the California Water Commission shall select one of the members to serve as chairman, who shall hold office as chairman at the pleasure of the commission. Chairman

SEC. 12. Section 161 of said code is amended to read:

161. The California Water Commission shall confer with, advise, and make recommendations to the director with respect to any matters and subjects under his jurisdiction. The rule-making power of the department shall be exercised in the following manner. All rules and regulations of the department, other than those relating exclusively to the internal administration and management of the department, shall be first presented by the director to the commission and shall become effective only upon approval thereof by the commission. Rules, etc.

SEC. 13. Section 162 of said code is amended to read:

162 It is the intention of the Legislature that in the making of all major departmental determinations, policies and procedures, such as departmental recommendations to the Legislature, the director and the California Water Commission shall be in agreement whenever possible; but for the purpose of fixing responsibility to the Governor and to the Legislature, in the event of disagreement between the director and the commission upon such matters, the views of the director shall prevail. In such situations a written report upon such disagreement shall be made immediately to the Governor and to the President pro Tempore of the Senate and the Speaker of the Assembly by the commission and by the director. Legislative intent

SEC. 14. Section 163 of said code is amended to read:

163. The department may employ such assistance for the California Water Commission as may be necessary for the proper discharge of its duties and may purchase or rent for the commission any necessary supplies, instruments, tools, equipment, and conveniences. Assistance

SEC. 15. Sections 2 to 14, inclusive, of this act become operative only if Assembly Bill No. 1969 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as said act takes effect, at which time Section 1 of this act is repealed. Effect Stats 1957, Ch 1932

CHAPTER 1942

An act to amend Section 5733 of, and to repeal Chapter 3.5 (commencing at Section 5750) and Chapter 7 (commencing at Section 6700) of Division 8 of, the Elections Code, relating to ballots.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 5733 of the Elections Code is amended to read:

Removal of ballots

5733. Unless otherwise provided by law no person shall remove any ballot from any polling place before the completion of the ballot count.

Repeals

SEC. 2. Chapter 3.5 of Division 8 of said code is repealed.

SEC. 3. Chapter 7 of Division 8 of said code is repealed.

CHAPTER 1943

An act to add Section 694.02 to the Vehicle Code, relating to projecting lights or devices.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 694.02 is added to the Vehicle Code, to read:

694.02. Additional Projecting Lights or Devices. Notwithstanding the limitations otherwise applicable under Section 694, and in addition to the provisions of Section 694.01, drip rails, awning rails, drip caps, rub rails, grab rails, electrical receptacles, bumper guards, window louvers, window frames, exhaust fans, and similar necessary appendages may extend two inches on each side of the main portion of the body of a trailer coach; provided, that the maximum width of body and any or all of such appendages does not exceed 100 inches. Enactment of the foregoing provisions shall not be construed as a change in the existing law, but rather as declaratory thereof under the provisions of Sections 694 and 694.01 of this code.

This section shall have no application to the national system of interstate and defense highways as described in Section 108 of the Federal-aid Highway Act of 1956, and on such system the provisions of Sections 694 and 694.01 shall govern the permissible width of trailer coaches unless and until it be determined by the Attorney General of the State of California that the application of this section to trailer coaches using the national system of interstate and defense highways would not prevent the apportionments of federal funds to this State for expenditure upon said system of highways by reason of the

provisions of the Federal Highway Act of 1956, relating to the use of public highways by vehicles having a width not exceeding the maximums permitted under laws or regulations established by appropriate state authorities in effect on July 1, 1956.

It is further provided, that regardless of the opinion of the Attorney General of the State of California, in the event of a determination by the Secretary of Commerce, or other officer of the Federal Government authorized to rule on this subject, that the application of this section to the national system of interstate and defense highways would result in the withholding of any apportionment of federal funds to this State, then this section shall forthwith become inoperative.

CHAPTER 1944

An act to amend Section 2189 of the Revenue and Taxation Code, relating to personal property taxation.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2189 of the Revenue and Taxation Code is amended to read:

2189. A tax on personal property is a lien on any real property on the secured roll also belonging to the owner of the personal property, if the personal property is located upon such real property on the lien date, and if the fact of the lien is shown on the secured roll opposite the description of the real property.

Any failure or omission to show the fact of such lien for personal property taxes on the secured roll opposite such description of real property shall not operate to invalidate any such personal property tax, but in such case the tax shall be collected in the same manner as taxes on the unsecured roll; provided, that if the fact of lien is erroneously entered on the secured roll opposite the description of real property belonging to someone other than the owner of the personal property on the lien date, then the delinquency penalty provided for in Chapter 4 of Part 5 shall not attach until December 10th at 5 p.m. or, if December 10th falls on Saturday, at 5 p.m. on the next business day.

CHAPTER 1945

An act to amend Section 10098 of the Revenue and Taxation Code, relating to motor vehicle transportation license tax.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 10098 of the Revenue and Taxation Code is amended to read:

10098. The lien as to the tax and interest, but exclusive of penalties, upon personal property is paramount to all private liens or encumbrances of whatever character, and to the rights of any conditional vendor or any other holder of the legal title, in or to any motor vehicle the privilege of operating which is subject to the license tax.

CHAPTER 1946

An act to add Section 8617.5 to the Water Code, relating to flood control, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 8617.5 is added to the Water Code, to read:

8617.5. In connection with any work done on projects authorized by the board in the repair or reconstruction of levees or other flood control works completed prior to June 30, 1957, the board may provide for and pay the cost of the relocation, reconstruction, or replacement of improvements, structures, or utilities which have actually existed and been in use for over 20 years, which have been rendered necessary by such work, unless such payment would be contrary to the provisions of any written authorization or agreement under which the improvement, structure, or utility was constructed or maintained.

This section shall not apply to the relocation, reconstruction, or replacement of improvements, structures, or utilities where such work has been financed, in whole or in part, with funds under the Flood Relief Law of 1956 (Sections 54150 to 54161, inclusive, Government Code) or Public Law 875, Eighty-first Congress, Second Session.

SEC. 2. The Legislature hereby finds and declares that this act is in the public interest and that expenditures hereunder are for a public purpose in order to restore the improvements, structures, and utilities involved, and which have been affected

by the construction or reconstruction of state flood control works, to make water available through said improvements, structures and utilities for irrigation purposes in the areas affected.

SEC. 3. This 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 would provide for the restoration of certain improvements, structures, and utilities which are necessary for irrigation of lands in the area affected. In order that such improvements, structures, and utilities may be restored in time for the irrigation season this year, it is necessary that this act go into immediate effect.

CHAPTER 1947

An act to amend Sections 12, 16.1, 17, and 35 of, and to add Section 16.2 to, the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911), relating to municipal water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect immediately

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

SECTION 1. Section 12 of the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911) is amended to read:

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;

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir

operated or contracted to be operated by the district, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

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 issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) 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 negotiable promissory 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 may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 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 with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the municipal water district incurs an indebtedness or liability exceeding in any year the income and revenue for such year 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.

16. To issue bonds under Section 15 of this act for the purpose of providing money required to be paid to any district organized under the Metropolitan Water District Act or the County Water Authority Act by the board of directors of such district as all or part of the terms and conditions upon which the corporate area of a municipal water district may be annexed to and become a part of said metropolitan water district or county water authority. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

17. To issue revenue bonds for any purpose for which general obligation bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act.

18. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed by a municipal water district under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the municipal water district. In the application of said Improvement Act of 1911 to proceedings instituted by a municipal water district, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of a municipal water district.

(b) "Municipality" and "city" shall mean a municipal water district.

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

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean any person appointed by the board of directors to perform such duties.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the person or officer who has charge of and makes payment of the funds of the district.

(g) "Mayor" shall mean the president of the board of directors of a municipal water district.

(h) "Right of way" shall mean any parcel of land in, on, under or through which a right of way or easement has been granted to the district for the purpose of constructing and maintaining any works or improvements of municipal water districts.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the municipal water district.

SEC. 2. Section 16.1 of said act is amended to read:

Sec. 16.1. Any portion of a municipal water district whether contiguous or not 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 com-

menced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 16.2 is added to said act, to read:

Sec. 16.2. Whenever the board of directors deems it necessary to form an improvement district of a portion of the district for a purpose other than the incurring of bonded indebtedness under Section 16 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (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, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to the territory immediately contiguous thereto, 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 purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place 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 circulated in the municipal water district, if there is a newspaper circulated in the municipal water district. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the district, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution determine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, the estimated expense of carrying out said purpose, 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 (A, B, C, or other letter designation) _____ 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 taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the district, if there is a newspaper printed and published in the district, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the thirty-first day after completion of said publication and/or posting. If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code 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 elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such

improvement district, the formation of such improvement district shall be complete.

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the effective date of the resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 4. Section 17 of said act is amended to read:

Sec 17. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 15 or of Section 16 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed five percent (5%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the district, countersigned by the secretary of the district, and the official seal of

the district attached. The interest coupons of such bonds shall be signed by the treasurer of said district. All such signatures and countersignatures may be printed, lithographed or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said district, said bonds are bonds of the district and shall be issued in the name of the district and shall be designated "Bonds of _____ Municipal Water District for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the district and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the district may also be used for some other municipal water district purpose. Such moneys remaining from the sale of bonds of the district for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other municipal water district purpose or improvement district purpose until two-thirds of the qualified voters of said district or improvement district have consented thereto at a special election called in said district or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said district or improvement district, as the case may be, and in other respects the election shall be conducted as are other municipal water district elections.

SEC. 5. Section 35 of said act is amended to read:

Sec. 35. All acts and parts of acts in conflict herewith are hereby repealed. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act 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

act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

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

Many communities urgently need water facilities in order that the public health and safety may be preserved. To obtain these facilities it will be necessary for districts to enter into contracts with other public agencies; this cannot be accomplished unless and until the amendments to the Municipal Water District Act of 1911 provided by the within and foregoing amendatory act are made effective.

CHAPTER 1948

An act to add Sections 7210, 8043, and 8044 to the Education Code, relating to the education of pupils residing on federal property and the distribution of federal funds, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 7210 is added to the Education Code, to read:

Apportionment

7210. The money credited to the county school service fund of a county pursuant to Section 16417 of the Government Code may be apportioned by the county superintendent of schools, with the approval of the county board of education, to school districts within which there is land which has been acquired by the United States.

SEC. 2. Section 8043 is added to said code, to read:

Federal facilities

8043. Notwithstanding any other provision of this code to the contrary, whenever under the provisions of Section 310 of the act of Congress entitled, "An act relating to the construction of school facilities in areas affected by federal activities, and for other purposes" (Public Law 815—Eighty-first Congress), or under any similar provisions of any other act of Congress, school facilities are constructed by any agency of the Federal Government on federal property for the education of children residing on property owned by the Federal Government, the governing board of the school district in which such facilities are located or the governing board of any adjacent school district, with the approval of the Superintendent of Public Instruction, may make arrangements with the agency of the Federal Government to maintain

school in such facilities. The children residing on such federal property and attending such school shall be deemed to be residents of the district maintaining such school.

SEC. 3. Section 8044 is added to said code, to read:

Lease

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.

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 effect immediately. The facts constituting such necessity are:

The Federal Government is constructing housing projects upon military reservations in the State. The children who will reside therein require the same opportunity for education as other children. In order that school facilities may be provided in the most economical manner, at the time they are needed, and in order that the most efficient and economical operation of the schools may be assured, it is necessary that this act take effect immediately.

CHAPTER 1949

An act to amend Section 74511 of the Government Code, relating to officers and attaches of the Municipal Court in the City and County of San Francisco.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 74511 of the Government Code is amended to read:

74511. Official reporters in the Municipal Court in the City and County of San Francisco appointed pursuant to Section 72194 shall be attaches of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court in the City and County of San Francisco, which shall be a charge against the general fund of the city and county.

CHAPTER 1950

An act to amend Section 20 of the Probate Code, relating to testamentary dispositions.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 20 of the Probate Code is amended to read:

20. Every person of sound mind, over the age of 18 years, may dispose of his or her separate property, real and personal, by will. In addition, every such person may by will dispose of the whole or any part of his or her body to a teaching institution, university, college, State Director of Public Health or legally licensed hospital, 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, either for use as such institution, university, college, hospital or agency may see fit, or for use as expressly designated therein.

CHAPTER 1951

An act to amend Sections 74341, 74342, 74343, 74344, 74345, 74346, and 74350 of, and to add Section 74355 to, the Government Code, relating to the municipal court in a district embracing the City of San Diego.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 74341 of the Government Code is amended to read:

Judges

74341. There shall be nine judges each of whom shall receive annually the same salary received by judges of the municipal court in the judicial district embracing the City of Los Angeles.

SEC. 2. Section 74342 of said code is amended to read:

Clerk

74342. There shall be one clerk who shall be appointed by the judges of the court. He shall receive nine hundred fifty dollars ($950) a month.

SEC. 3 Section 74343 of said code is amended to read:

Deputy clerks

74343. The clerk may appoint:

(a) One deputy clerk who shall be chief clerk of the criminal division and who shall receive seven hundred fifty dollars ($750) a month.

(b) One deputy clerk who shall be chief clerk of the civil division and who shall receive seven hundred fifty dollars ($750) a month.

(c) One deputy clerk who shall be chief clerk of the traffic division and who shall receive seven hundred fifty dollars ($750) a month.

(d) One deputy clerk who shall be chief clerk of the accounting division and who shall receive seven hundred fifty dollars ($750) a month.

(e) Four deputy clerks (assistant chief clerk of division), each of whom shall receive six hundred fifty dollars ($650) a month.

(f) Fifteen deputy clerks IV, each of whom shall receive five hundred dollars ($500) a month as a beginning salary with an increment to five hundred seventy-five dollars ($575) a month after one year's service.

(g) Fifteen deputy clerks III, each of whom shall receive four hundred five dollars ($405) a month as a beginning salary, with an increment to four hundred thirty-five dollars ($435) a month after one year's service.

(h) Eighteen deputy clerks II, each of whom shall receive three hundred fifty-five dollars ($355) a month as a beginning salary, with an increment to three hundred seventy-five dollars ($375) a month after six months' service.

(i) Twenty-four deputy clerks I, each of whom shall receive three hundred five dollars ($305) a month as a beginning salary, with an increment to three hundred twenty dollars ($320) a month after six months' service, and a further increment to three hundred thirty-five dollars ($335) a month after an additional year's service.

SEC. 4. Section 74344 of said code is amended to read:

Marshal

74344. There shall be one marshal to be appointed by the judges of the court who shall receive nine hundred fifty dollars ($950) a month.

SEC. 5. Section 74345 of said code is amended to read:

Deputy marshals

74345. The marshal may appoint:

(a) One assistant marshal who shall receive seven hundred fifty dollars ($750) a month.

(b) Two deputy marshals (lieutenant), each of whom shall receive six hundred thirty-five dollars ($635) a month.

(c) Three deputy marshals (sergeant), each of whom shall receive five hundred seventy-five dollars ($575) a month.

(d) One deputy marshal (chief bailiff), who shall receive five hundred seventy-five dollars ($575) a month.

(e) One deputy marshal (female), who shall receive four hundred seventy-five dollars ($475) a month as a beginning salary, with an increment to four hundred ninety-five dollars ($495) a month after six months' service, and a further increment to five hundred fifteen dollars ($515) a month after an additional one year's service.

(f) Twenty senior deputy marshals, each of whom shall receive four hundred seventy-five dollars ($475) a month as a

beginning salary, with an increment to four hundred ninety-five dollars ($495) a month after six months' service, and a further increment to five hundred fifteen dollars ($515) a month after an additional one year's service.

(g) Four deputy marshals (stenographer), each of whom shall receive three hundred seventy-five dollars ($375) a month as a beginning salary, with an increment to three hundred ninety-five dollars ($395) a month after six months' service, and a further increment to four hundred fifteen dollars ($415) a month after an additional year's service.

SEC. 6. Section 74346 of said code is amended to read:

Court matron

74346. There shall be one court matron, who shall also serve as court probation officer, to be appointed by the judges of the court, who shall receive three hundred ninety-five dollars ($395) a month as a beginning salary with an increment to four hundred fifteen dollars ($415) a month after six months' service, and a further increment to four hundred thirty-five dollars ($435) a month after an additional one year's service.

SEC. 7. Section 74350 of said code is amended to read:

Continued service

74350. All persons holding positions on the ninety-first day after the 1957 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

SEC. 8. Section 74355 is added to said code, to read:

Vacations, etc

74355. In addition to the compensation provided in this article, the clerks, marshals and other attaches of the municipal court shall receive, and they shall be entitled to the same vacations, sick leaves, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. It is further provided that the privileges and benefits hereinbefore provided shall be retroactively applied.

CHAPTER 1952

An act to amend Section 20651 of the Government Code, relating to return of contributions under the State Employees' Retirement System.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 20651 of the Government Code is amended to read:

20651. If a member is or becomes a member of the retiring annuities system of the university he may elect to be considered as either temporarily separated or permanently separated from state service, with respect to his right to withdraw contributions, during his continued membership in the university system, and shall not contribute to this system on account of service rendered as a member of the university system.

CHAPTER 1953

An act to amend Section 7705.1 of the Education Code, relating to school building aid.

[Approved by Governor July 8, 1957 Filed with Secretary of State July 10, 1957]

In effect September 11, 1957

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

SECTION 1. Section 7705.1 of the Education Code is amended to read:

7705.1. For the purposes of (a) and (b) of Section 7705, the following provisions apply:

Average daily attendance Computation

(a) The latest average daily attendance of the district shall be determined by adding to the average daily attendance of the high school district, the average daily attendance of the two highest grades of the elementary schools included in the high school district, and subtracting the average daily attendance in the two highest grades maintained by the high school district.

(b) The latest computed average daily attendance of the district shall be determined for an elementary school district by computing the total average daily attendance in the elementary school district plus the amount by which the total average daily attendance in the first grade exceeds the total average daily attendance in the next to the highest grade maintained by the district and the amount by which the total average daily attendance in the second grade exceeds the total average daily attendance in the highest grade maintained by the district.

(c) In exceptional cases of abnormal growth, the board may use a different method of computation than that provided in subdivision (b) for elementary school districts if it determines that the method provided in this subdivision will not fairly reflect the average daily attendance in the district for the purpose of priority.

(d) "Average daily attendance" as used in this section means average daily attendance during the annual school term or academic year in regular day schools or classes and in special day schools and classes maintained exclusively for minors.

(e) In exceptional cases where a school district has used its allowable building areas to construct classroom facilities in preference to auxiliary areas, prior to July 1, 1957, the board may provide by rules an alternate method for computing the percentage of the latest computed average daily attendance of the district which is unhoused, based on the ratio of building area to which the school district is entitled as compared to its existing building areas.

CHAPTER 1954

An act to amend Section 35313 of, and to add Section 35313.1 to, the Government Code, relating to cities.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 35313 of the Government Code is amended to read:

Protests

35313. At the time set for hearing protests, or to which the hearing may have been continued, the legislative body shall hear and pass upon all protests so made. If protest is made by the owners of one-half of the value of the territory as shown by the last equalized assessment roll, further proceedings shall not be taken. The value to be given publicly owned property for protest purposes shall be determined by the legislative body. If publicly owned property and privately owned property are proposed to be annexed in the same proceeding, further proceedings shall not be taken if protest is made either by private owners of one-half of the value of the privately owned territory proposed to be annexed, or by public owners of one-half of the publicly owned territory proposed to be annexed. As used in this article, "value of the territory" means the value of the land and improvements thereon.

SEC. 2. Section 35313.1 is added to said code, to read:

Determination of value

35313.1. When territory proposed to be annexed consists wholly or partly of tide or submerged lands owned by the State, the legislative body shall determine the value of the such tide or submerged lands for the purposes of this article. For the purposes of such determination, the State Lands Commission shall fix the value of tide or submerged lands owned by

the State and shall notify in writing the legislative body of its determination. The legislative body may be guided by the valuation as determined by the State Lands Commission, or it may refuse to do so. If the legislative body refuses to accept such valuation, it shall bring an action for declaratory relief, to which the State Lands Commission shall be a party, for a determination of the value of the lands. During the pendency of such action further proceedings for annexation shall be stayed, and the valuation determined by the court shall be conclusive upon the legislative body.

The provisions of this section shall not apply to any proceedings for the annexation of territory commenced prior to June 1, 1957.

CHAPTER 1955

An act to amend Section 5014 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5014 of the Streets and Highways Code is amended to read:

5014. "Street" includes avenues, highways, lanes, alleys, crossings or intersections and courts which have been dedicated and accepted according to law or which have been in common and undisputed use by the public for a period of not less than five (5) years next preceding, or which have been dedicated to a semipublic use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a resort district formed under the provisions of Chapter 2 of the California Resort District Law (commencing at Section 10000 of the Public Resources Code) or which have been dedicated to a semipublic use by way of a dedication made for the exclusive use and benefit of all properties located within the boundaries of a community services district formed under the provisions of the Community Services District Law (commencing at Section 61000 of the Government Code).

CHAPTER 1956

An act to repeal Section 755 of the Vehicle Code, relating to admissibility of evidence.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 755 of the Vehicle Code is repealed.

CHAPTER 1957

An act to amend Sections 73522 and 73523 of, and to add Section 73525 to, the Government Code, relating to the Municipal Court in the Cities of Burlingame and San Mateo.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

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

Clerk

73522. There shall be one clerk who shall receive an annual salary of seven thousand six hundred twenty dollars ($7,620).

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

73523. The clerk may appoint:

Deputies and clerks

(a) One chief deputy clerk who shall receive a salary of three hundred ninety-two dollars ($392) a month and annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of four hundred ninety-one dollars ($491) a month.

(b) One deputy clerk, grade III, who shall receive a salary of three hundred thirty-two dollars ($332) a month and annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-three dollars ($23) to a maximum of four hundred fifteen dollars ($415) a month.

(c) Three deputy clerks, grade II, each of whom shall receive a salary of two hundred ninety-seven dollars ($297) a month and annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of three hundred seventy-one dollars ($371) a month.

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

SEC. 3. Section 73525 is added to said code, to read:

Compensation

73525. 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 Mateo, 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 general session of the Legislature.

CHAPTER 1958

An act adding Article 6 (commencing at Section 340) to Chapter 2.5, Division 1, of the Water Code, and repealing Chapter 686, Statutes of 1935, and Chapter 186, Statutes of 1951, relating to Yuba River debris control, and making an appropriation.

[Approved by Governor July 8, 1957 Filed with Secretary of State July 10, 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 2.5, Division 1 of the Water Code, to read:

Article 6. Yuba River Debris Control

340. Any funds appropriated for Yuba River debris control shall be used for construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations, natural erosion and other causes. Funds Use

341. Funds withdrawn from such appropriation must be matched by an expenditure of like amount by the Federal Government for the same work. Federal cooperation

342. All work paid for from such appropriation shall be executed by or under the direction of the California Debris Commission, according to plans approved by the Department of Water Resources. California Debris Commission

SEC. 2. Chapter 686, Statutes of 1935, and Chapter 186, Statutes of 1951, are repealed. Repeals

CHAPTER 1959

An act to add Article 6.9 (commencing with Section 14199) to Chapter 8 of Part 8 of Division 2 of the Revenue and Taxation Code, relating to the settlement of disputes respecting the domicile of decedents for death tax purposes.

[Approved by Governor July 8 1957 Filed with Secretary of State July 10, 1957]

In effect September 11, 1957

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

SECTION 1. Article 6.9 (commencing with Section 14199) is added to Chapter 8 of Part 8 of Division 2 of the Revenue and Taxation Code, to read:

Article 6.9. Determination of Domicile by Arbitration: Alternative Method

Definitions

14199. For the purposes of this article:

(a) "Executor" means an executor of the will or administrator of the estate of the decedent, but does not include an ancillary administrator nor an administrator with the will annexed if an executor named in the will has been appointed and has qualified in another state.

(b) "Taxing official" means the Controller of the State of California and the designated authority of a reciprocal state.

(c) "Death tax" means any tax levied by a state on account of the transfer or shifting of economic benefits in property at death, or in contemplation thereof, or intended to take effect in possession or enjoyment at or after death, whether denominated an "inheritance tax," "transfer tax," "succession tax," "estate tax," "death duty," "death dues," or otherwise.

(d) "Interested person" means any person who may be entitled to receive, or who has received, any property or interest which may be required to be considered in computing the death tax of any state involved.

(e) "State" means any state, territory, or possession of the United States, or the District of Columbia. "This State" means the State of California.

(f) "Board" means board of arbitration.

Multiple domicile claims

14199.1. In any case in which this State and one or more other states each claims that it was the domicile of a decedent at his death, at any time prior to the commencement of legal action for determination of domicile within this State or within 60 days thereafter, any executor, or the taxing official of any such state, may elect to invoke the provisions of this article. Such executor or taxing official shall send a notice of such election by registered mail, receipt requested, to the taxing official of each such state and to each executor, ancillary administrator, and interested person. Within 40 days after the receipt of such notice of election any executor may reject such election by sending a notice, by registered mail, receipt requested, to all persons originally required to be sent a notice of election. When an election has been rejected by an executor, no further proceedings shall be had under this article. If such election is not rejected within the 40-day period, the dispute as to death taxes shall be determined solely as provided in this article. No other proceedings to determine or assess such death taxes shall thereafter be prosecuted in any court of this State or otherwise.

Agreement

14199.2. In any case in which an election is made and not rejected the Controller of this State may enter into a written agreement with the other taxing officials involved and with the executors to accept a certain sum in full payment of any death taxes, together with interest and penalties, that may be due this State; provided, this agreement fixes the amount to be paid the other states involved in the dispute.

Determination

14199.3. If in any such case it appears that an agreement cannot be reached, as provided in Section 14199.2, or if one year shall have elapsed from the date of the election without such an agreement having been reached, the domicile of the decedent at the time of his death shall be determined solely for death tax purposes as provided for in this article.

Arbitration

14199.4. Where only this State and one other state are involved, the Controller of this State and the taxing official of the other state shall each appoint a member of a board of arbitration, and these members shall appoint the third member of the board. If this State and more than one other state are involved, the taxing officials thereof shall agree upon the authorities charged with the duty of administering death tax laws in three states not involved in the dispute and each of these authorities shall appoint a member of the board of arbitration. The board shall select one of its members as chairman.

Hearings

14199.5. The board shall hold hearings at such places as are deemed necessary, upon reasonable notice to the executors, ancillary administrators, all other interested persons, and to the taxing officials of the states involved, all of whom are entitled to be heard.

Powers

14199.6. The board may administer oaths, take testimony, subpena witnesses and require their attendance, require the production of books, papers and documents, and issue commissions to take testimony. Subpenas may be issued by any member of the board. Failure to obey a subpena may be punished by any court of record in the same manner as if the subpena had been issued by such court.

Rules of evidence

14199.7. Whenever practicable the board shall apply the rules of evidence then prevailing in the federal courts under the federal rules of civil procedure.

Effect of determination

14199.8. The board shall determine the domicile of the decedent at the time of his death. This determination is final and conclusive and binds this State, and all of its judicial and administrative officials on all questions concerning the domicile of the decedent for death tax purposes. If the board does not render a determination within one year from the time that it is fully constituted, all authority of the board shall cease and the bar to court proceedings set forth in Section 14199.1 shall no longer exist.

Compensation

14199.9. The reasonable compensation and expenses of the members of the board and its employees shall be agreed upon among such members, the taxing officials involved, and the executors. If an agreement cannot be reached, such compensation and expenses shall be determined by such taxing officials; and, if they cannot agree, by the appropriate probate court of the state determined to be the domicile. Such amount shall be borne by the estate and shall be deemed an administration expense.

Filing

14199.10. The determination of the board and the record of its proceedings shall be filed with the authority having jurisdiction to assess the death tax in the state determined to be the domicile of the decedent and with the authorities which would have had jurisdiction to assess the death tax in each of the other states involved if the decedent had been found to be domiciled therein.

Agreement

14199.11. Notwithstanding the commencement of a legal action for determination of domicile within this State or the commencement of an arbitration proceeding, as provided in Section 14199.3, the Controller of this State may in any case enter into a written agreement with the other taxing officials involved and with the executors to accept a certain sum in full payment of any death tax, together with interest and penalties, that may be due this State; provided, this agreement fixes the amount to be paid the other states involved in the dispute, at any time before such proceeding is concluded. Upon the filing of this agreement with the authority which would have jurisdiction to assess the death tax of this State, if the decedent died domiciled in this State, an assessment shall be made as provided in such agreement, and this assessment finally and conclusively fixes the amount of death tax due this State. If the aggregate amount payable under such agreement or under an agreement made in accordance with the provisions of Section 14199 2 to the states involved is less than the minimum credit allowable to the estate against the United States estate tax imposed with respect thereto, the executor forthwith shall also pay to this State the same percentage of the difference between such aggregate amount and the amount of such credit as the amount payable to this State under such agreement bears to such aggregate amount.

Penalties

14199 12. When in any case the board of arbitration determines that a decedent dies domiciled in this State, the total amount of interest and penalties for nonpayment of the tax, between the date of the election and the final determination of the board, shall not exceed 6 percent of the amount of the taxes per annum.

Reciprocity

14199.13. This article shall be applicable only to cases in which each of the states involved in the dispute has in effect therein a law substantially similar hereto. However, nothing contained in this section shall prohibit the application of this article or any part hereof where any of the other states involved in the dispute have in effect therein a law empowering the tax authority to voluntarily enter into a binding arbitration or compromise agreement and such an agreement is so entered into.

CHAPTER 1960

An act to add Section 3084.4 to, and to amend Section 3447 of, the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3084.4 is added to the Welfare and Institutions Code, to read:

3084.4. Funds for readers, or an educational scholarship, or both, which are not available to meet basic needs and which have been awarded by a high school, college, or university to any recipient of aid under this chapter while he is regularly attending any public school in this State, the University of California, or any other institution of higher learning in this State, shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid. Scholarships, etc

SEC. 2. Section 3447 of said code is amended to read:

3447. Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county-assessed valuation of which, less all encumbrances thereon of record, is in excess of five thousand dollars ($5,000). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns additional real or personal property; provided, that such additional property is necessary to implement his plan for achieving self-support; and provided, that the county-assessed valuation of such additional real or personal property does not exceed five thousand dollars ($5,000). Limitations

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

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

Funds for readers, or an educational scholarship, or both, which have been awarded by a high school, college, or university to any recipient of aid under this chapter while he is regularly attending any public school in this State, the Uni-

versity of California, or any other institution of higher learning in this State, shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

CHAPTER 1961

An act to amend Section 1881 of the Code of Civil Procedure, relating to the privilege of one spouse not to testify against the other.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1881 of the Code of Civil Procedure is amended to read:

Confidential relations

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person connot be examined as a witness in the following cases:

Husband-wife

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, or for a crime committed against another person by a husband or wife while engaged in committing and connected with the commission of a crime by one against the other; or in an action for damages against another person for adultery committed by either husband or wife; or in a hearing held to determine the mental competency or condition of either husband or wife.

Attorney-client

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity.

Confessor-communicant

3. A clergyman, priest or religious practitioner of an established church cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

Physician-patient

4. A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action, as to any information acquired in attending the patient, which was

necessary to enable him to prescribe or act for the patient; provided, however, that either before or after probate, upon the contest of any will executed, or claimed to have been executed, by such patient, or after the death of such patient, in any action involving the validity of any instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property, such physician or surgeon may testify to the mental condition of said patient and in so testifying may disclose information acquired by him concerning said deceased which was necessary to enable him to prescribe or act for such deceased; provided further, that after the death of the patient, the executor of his will, or the administrator of his estate, or the surviving spouse of the deceased, or if there be no surviving spouse, the children of the deceased personally, or, if minors, by their guardian, may give such consent, in any action or proceeding brought to recover damages on account of the death of the patient; provided further, that where any person brings an action to recover damages for personal injuries, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said person and whose testimony is material in said action shall testify; and provided further, that the bringing of an action, to recover for the death of a patient, by the executor of his will, or by the administrator of his estate, or by the surviving spouse of the deceased, or if there be no surviving spouse, by the children personally, or, if minors, by their guardian, shall constitute a consent by such executor, administrator, surviving spouse, or children or guardian, to the testimony of any physician who attended said deceased.

Public officers

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

Newspapermen

6. A publisher, editor, reporter, or other person connected with or employed upon a newspaper cannot be adjudged in contempt by a court, the Legislature, or any administrative body, for refusing to disclose the source of any information procured for publication and published in a newspaper.

CHAPTER 1962

An act to add Sections 24206, 24207 and 24208 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 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:

Accusations Limitations

24206. All accusations against licensees for violating or permitting the violation of Sections 24750 to 24757, inclusive, 24850 to 24881, inclusive, 25000 to 25010, inclusive, 25170 to 25238, inclusive, 25600, 25602, 25607, 25609, 25610, 25611, 25612, 25615, 25630, 25631, 25632, 25633, 25655, 25656, 25658, 25663, or 25664, shall be filed within one year.

SEC. 2. Section 24207 is added to said code, to read:

Same

24207. All accusations against licensees for violating or permitting the violation of Sections 23300, 23355, 23431, 23453, 24200.5, 25500 to 25508, inclusive, 25601, 25616, or 25657, shall be filed within three years.

SEC. 3. Section 24208 is added to said code, to read:

Commencement

24208. The periods of one year and three years referred to in Sections 24206 and 24207 shall commence to run as follows:

(a) If the act or omission alleged as the basis for the suspension or revocation of the license constituted a single transaction, then from the date of the transaction.

(b) If the act or omission alleged as the basis for the suspension or revocation of the license is of a continuing nature, relating to a condition, or if the occurrence of several acts or omissions is necessary for the institution of disciplinary proceedings, then from the date of the last act or omission.

(c) If the act or omission alleged as the basis for the suspension or revocation of the license involved fraud, misrepresentation, or concealment, then from the date of the discovery thereof.

(d) If the basis for the suspension or revocation of the license is a criminal conviction, then from the date such criminal conviction becomes final.

CHAPTER 1963

An act to amend Section 69594 of the Government Code, relating to judges of the Superior Court in the County of San Bernardino.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 69594 of the Government Code is amended to read:

69594. In the County of San Bernardino there shall be seven judges of the superior court.

SEC. 2. Upon the effective date of this act the Governor shall appoint one judge in addition to the five judges now holding office. The other additional judge shall be appointed by the Governor on July 1, 1958.

CHAPTER 1964

An act to amend Section 350 of the Probate Code, relating to wills.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 350 of the Probate Code is amended to read:

350. No will shall be proven as a lost or destroyed will unless proved to have been in existence at the time of the death of the testator, or shown to have been destroyed by public calamity, or destroyed fraudulently in the lifetime of the testator, without his knowledge; nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.

CHAPTER 1965

An act to add Article 6 to Chapter 7, Part 2, Division 5, Title 2 of the Government Code and to repeal Section 18700 of the Government Code, relating to training of state civil service employees.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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 7, Part 2, Division 5, Title 2 of the Government Code, to read:

Article 6. Training

Training programs

19450. The board shall devise plans for and cooperate with appointing powers and other supervising officials in the conduct of employee training programs so that the quality of service rendered by persons in the state civil service may be continually improved.

Standards, etc

19451. For the purpose of meeting the needs of the state service for scientific, technical, professional and management skills, the board may prescribe: (a) conditions under which employees may be assigned to take specialized training; and (b) conditions under which employees may be reimbursed for tuition fees and other necessary expenses in connection with specialized training authorized by the appointing power to meet the needs of the service. The conditions prescribed by the board shall include but not be limited to the requirements that such training shall be of direct value to the State, be relevant to the employee's duties, and be limited to providing knowledges or skills that cannot be provided through available

in-service training. The board shall further prescribe the conditions under which an employee may be required to reimburse the State for the costs of such training in the event he fails to remain in state service for a reasonable time after receiving the training. The board shall report annually to the Governor and to each house of the Legislature concerning activities under this section.

Repeal

SEC. 2. Section 18700 of said code is repealed.

CHAPTER 1966

An act to add Section 506.1 to the Vehicle Code, relating to driving a vehicle while under the influence of intoxicating liquor or any drug.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 506.1 is added to the Vehicle Code, to read:

506.1. Driving While Under Influence of Dangerous Drugs. Any person who, while knowingly under the influence of any dangerous drug, other than a narcotic, to a degree which renders him incapable of safely driving a vehicle, 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 or by fine of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) or by both such fine and imprisonment.

Any person who commits any of the acts specified in this section, while under the influence of any dangerous drug, other than a narcotic, to a degree which renders him incapable of safely driving a vehicle, shall be presumed to have knowledge that he is under the influence of such drug. This presumption may be rebutted.

CHAPTER 1967

An act to amend Section 26909 of the Government Code, relating to the annual audit by county auditor.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 26909 of the Government Code is amended to read:

26909. (a) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit the scope and content of which shall be prescribed by the State Controller, of the books, accounts, records, papers, money and securities of every special purpose assessing or taxing district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided.

(b) Where an audit of a district's books, accounts, records, papers, money and securities is made by a certified public accountant or public accountant, a report thereof shall be filed with the county auditor of the county in which the district is located.

(c) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special purpose district pursuant to this section shall be borne by the district and shall be a charge against any unencumbered funds of the district available for the purpose.

(d) For joint districts lying within two or more counties, the above provisions shall apply to the auditor of the county in which the treasury is located.

(e) The county controller, or ex officio county controller, shall effect the provisions of this section in those counties having such officer.

CHAPTER 1968

An act to amend Section 190 of, and to add Section 190.1 to, the Penal Code, relating to punishment for offenses for which the penalty is death or imprisonment for life.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 190 of the Penal Code is amended to read:

190. Every person guilty of murder in the first degree shall suffer death, or confinement in the state prison for life, at the discretion of the court or jury trying the same, and the matter of punishment shall be determined as provided in Section 190.1, and every person guilty of murder in the second degree is punishable by imprisonment in the state prison from five years to life. Murder

SEC. 2. Section 190.1 is added to said code, to read:

190.1. The guilt or innocence of every person charged with an offense for which the penalty is in the alternative death or imprisonment for life shall first be determined, without a finding as to penalty. If such person has been found guilty of an offense punishable by life imprisonment or death, there shall thereupon be further proceedings on the issue of penalty, and Penalty of death or life imprisonment

the trier of fact shall fix the penalty. Evidence may be presented at the further proceedings on the issue of penalty, of the circumstances surrounding the crime, of the defendant's background and history, and of any facts in aggravation or mitigation of the penalty. The determination of the penalty of life imprisonment or death shall be in the discretion of the court or jury trying the issue of fact on the evidence presented, and the penalty fixed shall be expressly stated in the decision or verdict. The death penalty shall not be imposed, however, upon any person who was under the age of 18 years at the time of the commission of the crime. The burden of proof as to the age of said person shall be upon the defendant.

If the defendant has pleaded not guilty by reason of insanity at the time of commission of the offense, the trier of fact, after the determination of the penalty, shall thereupon determine whether or not defendant was sane at the time of commission of such offense. The provisions of this section shall prevail over any other provision of law with respect to the time of determining the sanity of defendant at the time of commission of the offense. However, if at any time during the trial of defendant, doubt arises as to the sanity of defendant at such time, the question of defendant's sanity shall be determined as provided in Chapter 6 (commencing at Section 1367) of Title 10, Part 2 of this code.

If the defendant was convicted by the court sitting without a jury, the trier of fact shall be the court. If the defendant was convicted by a plea of guilty, the trier of fact shall be a jury unless a jury is waived. If the defendant was convicted by a jury, the trier of fact on the issue of penalty and the issue of sanity, if any, shall be the same jury unless, for good cause shown, the court discharges that jury in which case a new jury shall be drawn to determine the issue of penalty, or the issue of sanity or both such issues, as the case may be.

On such further proceedings on the issue of penalty, any evidence concerning the commission of the crime admissible in the trial determining the guilt of the defendant may be admitted.

In any case in which defendant has been found guilty by a jury, and the same or another jury, trying the issue of penalty, is unable to reach a unanimous verdict on the issue of penalty, the court shall dismiss the jury and either impose the punishment for life in lieu of ordering a new trial on the issue of penalty, or order a new jury impaneled to try the issue of penalty, and the issue of sanity, if any, but the issue of guilt shall not be retried by such jury.

CHAPTER 1969

An act to add Section 139.62 to the Vehicle Code, relating to the California Highway Patrol.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 139.62 is added to the Vehicle Code, to read:

139.62. Uniforms. The department may advance the cost of, or obtain and furnish, one complete uniform, including such items of clothing and equipment as may be required by the department, to each new member of the California Highway Patrol hereafter employed. The cost to the department shall be deducted from the salary of such member in installments within the first year after he has completed the department's training school.

CHAPTER 1970

An act to amend Section 1156 of the Fish and Game Code and Section 2 of Chapter 157, Statutes of 1951, and Sections 304 and 305 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to game.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1156 of the Fish and Game Code is amended to read:

1156. The commission may close to hunting any area newly stocked by the commission 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.

Newly stocked area

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.

SEC. 2. Section 2 of Chapter 157, Statutes of 1951, is amended to read:

Sec. 2. The provisions of Sections 1156 and 1157 of the Fish and Game Code 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.

Operative date

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. 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 1156 of the Fish and Game Code adopted in 1933 and Section 2 of Chapter 157 of the Statutes of 1951 are repealed.

CHAPTER 1971

An act to amend Sections 16.3 and 39.1, repeal Section 16.4, and add Article 1.5 (commencing with Section 1235) to Chapter 3, Part 3, Division 4, of the Fish and Game Code, and amend Sections 204, 325, 326, 327, and 329 of, repeal Section 214 of, and add Chapter 5 (commencing with Section 450) to Division 1 of, the Fish and Game Code as proposed by Assembly Bill No. 616, relating to deer.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Article 1.5 (commencing with Section 1235) is added to Chapter 3, Part 3, Division 4 of the Fish and Game Code, to read:

Article 1.5. Management of Deer

Definitions

1235. 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.

Herd management areas

1237. 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.

Antlerless hunts

1239. Prior to the May meeting of the commission, as required in Section 15 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.

Same Hearing

1239.1. 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 said 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 said 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 specifically directed so to do by the commission.

Notice

1239.2. 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.

Order

1239.3. 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.

Meeting

1239.4. 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.

Spotted fawn etc

1241. 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.

Permits

1242. 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.

Application

1242.1. 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.

Fee

1242.2. 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.

Tags

1242.3. 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.

1249. The provisions of this article shall have no force or effect after the expiration of Section 19.6.

SEC. 2. Section 16.3 of said code is amended to read:

Orders, etc.

16.3. Any order of the commission pursuant to this article relating to birds and mammals may apply to all or any 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 varieties:

(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 territorial limits for the taking of any or all species or varieties.

(d) Prescribe the manner and the means of taking any species or variety.

(e) Establish, change, or abolish restrictions based upon sex, maturity, or other physical distinctions.

Refuges, etc.

The commission has no power under this article to make any order authorizing or permitting the taking of any bird or mammal in any refuge or preserve heretofore or hereafter established by statute; or to authorize or permit the taking of 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.

Repeal

SEC. 2. Section 16.4 of said code is repealed.

SEC. 3. Section 39.1 of said code is amended to read:

Special season

39.1. Whenever after due investigation the commission shall find 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 such animals and birds are damaging public or private property, or are over-grazing their range, the commission is hereby authorized to provide, by order, for a special hunting season for such animals and birds, additional to or concurrent with any open season; 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. Prior to the making of such an order the commission at an open meeting shall publicly announce the contents of the proposed order and fix a time and place at which a hearing on the proposed order shall be held. The time shall not be less than 21 days from the day of said 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 of the counties in which the hearing is to be held, or if no such newspaper is published in said 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 directed so to do by the commission. Such employees of the department as may be necessary or are requested by any interested group of persons shall be present at the hearing. After the hearing the commission may abandon the proposal or make a final order, with any modifications it deems appropriate or without modification.

License fee

The order may fix a license fee for special hunting, designate the number of special licenses to be issued, the area in which such hunting will be permitted, the number and sex of animals or birds, except for the limitations specified herein concerning antlerless deer, that may be killed by each holder of special license, and the conditions and regulations to govern such hunting. The money received from the sale of such licenses shall be paid into the Fish and Game Preservation Fund.

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. 11. Sections 4, 5, 6, 7, 8, 9, and 10 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 16.3, 16.4, 39.1, and Article 1.5 (commencing with Section 1235) of Chapter 3, Part 3, Division 4 of the Fish and Game Code adopted in 1933 are repealed.

Operative dates

SEC. 12. This act 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, except any order or regulation made pursuant to Article 1.5 (commencing at Section 1235) of Chapter 3, Part 3, Division 4 of

said code, or Chapter 5 (commencing with Section 450) of Division 1 of the Fish and Game Code as proposed by Assembly Bill No. 616, shall be operative and effective until December 31, 1959.

CHAPTER 1972

An act to amend Sections 1155, 1155.5, 1174, 1175, 1176.5, 1177, 1179, 1180, 1230, 1250, and 1310 of the Fish and Game Code; to add Sections 35.1, 35.2, 1174.1, 1174.2, 1176.1, 1176.2, 1176.7, 1225, and 1310.1 of the Fish and Game Code; and to repeal Sections 1176, 1179.5, 1182, and 1232 of the Fish and Game Code, and to amend Sections 203, 304, 307, 325, 1002, 1003, 2225, 2352, 3000, 3005, 3500, 3507, 3800, 3801, 4000, 1150, 4151, 4152, 4153, and 4154 of, repeal Sections 3506, 3508, and 3804 of, add Sections 3511, 3512, 3513, and 4011 to, amend the heading of Chapter 3, Part 2, Division 4, and Article 1, Chapter 2, Part 3, Division 4, and amend and renumber Chapters 1, 2, 3, 4, 5, and 6 of Part 3, Division 4 of, and to add Article 6 to Chapter 3, Division 1, and Chapter 1 and Chapter 8 to Part 3, Division 4 of, the Fish and Game Code as proposed by Assembly Bill No. 616, relating to the legal classification of various species of birds and mammals, the issuance of scientific collector's permits, the practice of falconry, and the taking of depredating birds and mammals.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 35.1 is added to the Fish and Game Code, to read:

Scientific permits, etc

35.1. The fee for permits for scientific and propagation purposes, as authorized in Section 35, is five dollars ($5) per annum. The license year for such permits shall be the calendar year or any part thereof. It is not necessary for the possessor of such a permit to have an angling or hunting license as provided in Section 420 of the Fish and Game Code to pursue the scientific collecting of any fish, aquatic animal or plant, bird, or mammal in this State.

SEC. 2. Section 35.2 is added to said code, to read:

Transportation of mammals, etc

35.2. Mammals, birds and the nests and eggs thereof, fish and the eggs thereof, mollusks, crustaceans, or any other form of plant or animal life taken under the provisions of Sections 35 and 35.1 may be shipped or transported anywhere within or without the State; provided, that prior approval is obtained from the Department of Fish and Game and that such shipment is accompanied by the name, address, and permit number of the person licensed under these provisions of law.

SEC. 3. Section 1155 of said code is amended to read:

1155. Except as permitted by the provisions of Section 35 and Article 4, Chapter 3, Part 3, Division 4 of this code, 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 with a net, pound, cage, trap, set line or wire, or poisonous substance, is prima facie evidence that said birds or mammals were taken in violation of the provisions of this section. Nets Kinds, etc

SEC. 4. Section 1155.5 of said code is amended to read:

1155.5. Notwithstanding the provisions of Sections 1155 and 1225, nonprotected birds, nonprotected mammals, muskrats, red fox squirrels, and black-tailed jack rabbits which are found to be injuring growing crops or property may be taken at any time or in any manner by the owner or tenant of the premises or such species may be so taken by 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 provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of said code. Nonprotected animals

SEC. 5. Section 1174 of said code is amended to read:

1174. Game birds shall comprise the following: geese and ducks of the family Anatidae; coots or mud hens and gallinules of the family Rallidae; western mourning, white-winged, Chinese spotted and ringed turtledoves, and band-tailed pigeons of the family Columbidae; Wilson snipe or jacksnipe of the family Scolopacidae; 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 or sage grouse, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes. Game birds

SEC. 6. Section 1174.1 is added to said code, to read:

1174.1. Resident game birds subject to the regulatory powers of the commission as authorized in Section 16.3 and to the powers authorized in Sections 39.1 and 1156 of the Fish and Game Code 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 or sage grouse, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes. Resident game birds

SEC. 7. Section 1174.2 is added to said code, to read:

1174.2. Migratory game birds subject to the provisions of the Migratory Bird Treaty Act and the regulations of the Migratory game birds

commission promulgated under the provisions of Section 39 of the Fish and Game Code are: ducks and geese, coots and gallinules, jacksnipe, western mourning doves, white-winged doves, and band-tailed pigeons.

SEC. 8. Section 1175 of said code is amended to read:

Nonprotected birds

1175. Nonprotected birds are: English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or blackbilled magpies (Pica pica hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); and starlings (Sturnus vulgaris). Nonprotected birds may be taken at any time.

SEC. 9. Section 1176.1 is added to said code, to read:

Fully protected birds

1176.1. Fully protected birds that may not be taken at any time are: California condors (Gymnogyps californianus); bald eagles (Haliaeetus leucocephalus); white-tailed kites (Elanus leucurus); trumpeter swans (Cygnus buccinator). No provisions of this code or any other law shall be construed to authorize the issuance of permits to take any fully protected birds, and no such permits heretofore issued shall have any force or effect for any purpose.

SEC. 10. Section 1176.2 is added to said code, to read:

Others

1176.2. All birds occurring naturally in California not listed in Sections 1174, 1174.1, 1174.2, 1175, and 1176.1 are protected, nongame birds.

SEC. 11. Section 1176.5 of said code is amended to read:

Falcons

1176.5. It is unlawful to possess or train falcons, or to use any hawk or owl in the practice of falconry, except under permit from the commission. The commission is hereby empowered to make rules and regulations for the possession or training of falcons, and to authorize the issuance of licenses to persons for such purposes.

SEC. 12. Section 1176.7 is added to said code, to read:

Same Permit

1176.7. The fee for the permit to possess and/or train falcons, as provided in Section 1176.5, shall be fifteen dollars ($15) per calendar year or any part thereof.

SEC. 13. Section 1177 of said code is amended to read:

Game birds

1177. It is unlawful to take or possess any game birds, or any part thereof, except as provided by this code or the rules and regulations of the commission.

SEC. 14. Section 1179 of said code is amended to read:

Protected nongame birds

1179. It is unlawful to take or possess any protected, nongame bird except as provided by rules and regulations adopted by the Secretary of Interior under the provisions of the Migratory Bird Treaty Act. 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 Protected nongame birds shall not be transported out of the State or sold, except as provided in Section 35.2 of this code. Exotic species of birds, the impor-

tation of which is not prohibited by state or federal law or regulations, may be possessed and sold without permit.

SEC. 15. Section 1180 of said code is amended to read:

Same Transportation

1180. Except as permitted by this code, it is unlawful for any common carrier to transport any protected, nongame bird, or any game bird for which there is no open season.

SEC. 16. Section 1225 is added to said code, to read:

Game mammals

1225. 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). These game mammals are subject to the regulatory powers of the commission as authorized in Sections 16.3, 39.1, and 1156 of the Fish and Game Code. Special authorization for seasons for antelope are provided in Section 1346 and for elk in Section 1347.

SEC. 17. Section 1230 of said code is amended to read:

Nonprotected mammals

1230. Nonprotected mammals are:

(a) Moles of the order Insectivora.

(b) The order Marsupialia (opossums).

(c) The order Rodentia (rats, mice, 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.

SEC. 18. Section 1250 of said code is amended to read:

Fully protected mammals

1250. Fully protected mammals, which may not be taken at any time, are: sea otter (genus Enhydra), Guadalupe fur seal (genus Arctocephalus), sea elephant (genus Mirounga), and mountain sheep (genus Ovis).

SEC. 19. Section 1310 of said code is amended to read:

Fur-bearing mammals

1310. Fur-bearing mammals are: pine marten, fisher, wolverine, mink, river otter, grey fox, cross fox, silver fox, red fox, kit fox, raccoon, beaver, badger, ringtailed cat, and muskrat. The taking of such fur-bearing mammals is subject to the provisions of this code and the rules and regulations of the commission promulgated under the provisions of Sections 16.3, 39.1, 1156, and 1294 of this code.

SEC. 20. Section 1310.1 is added to said code, to read:

Disease outbreaks

1310.1. 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.

SEC. 21. Sections 1176, 1179.5, 1182, and 1232 of said code are repealed.

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. 56. Sections 22 to 55, inclusive, 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 35.1, 35.2, 1155, 1155 5, 1174, 1174.1, 1174.2, 1175, 1176, 1176.1, 1176.2, 1176.5, 1176.7, 1177, 1179, 1179.5, 1180, 1182, 1225, 1230, 1232, 1250, 1310, and 1310.1 of the Fish and Game Code adopted in 1933 are repealed.

CHAPTER 1973

An act to add Section 31458.2 to the Government Code, relating to county retirement systems.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 31458.2 is added to the Government Code, to read:

31458.2. If, after December 31, 1957, and either before or after retirement a member dies leaving a spouse and has not designated a beneficiary, and, prior to the payment of any portion of the death benefit, such spouse files with the board written evidence, satisfactory to the board, that she or he is the surviving spouse and the date of the marriage, such surviving spouse shall be deemed, for the purposes of this chapter, to have been nominated as the beneficiary by such member, unless such member files a designation of a different beneficiary

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CHAPTER 1974

An act to amend Sections 1278, 1287, 1458 and 1459 of the Penal Code, relating to form of bail bonds.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1278 of the Penal Code is amended to read:

Bail Justice court etc

1278. Bail is put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in

the discretion of the magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An order having been made on the _____ day of _____, 19___, by _____, a judge of the Justice Court of _____ County (or as the case may be), that _____ be held to answer upon a charge of (stating briefly the nature of the offense), upon which he has been admitted to bail in the sum of _____ dollars ($_____); we, _____ and _____, of _____ (stating their place of residence and occupation), hereby undertake that the above named _____ will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and if convicted, will appear for pronouncement of judgment, or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties), and the defendant if he be a party to the bond, for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of the Penal Code.

SEC. 2 Section 1287 of said code is amended to read:

Same Superior court

1287. The bail must be put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the court or magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An indictment having been found on the __ _____ day of _____, 19___, in the Superior Court of the County of _____, charging __ _____ with the crime of _____ (designating it generally) and he having been admitted to bail in the sum of _____ dollars ($_____), we, _____ and _____, of _____ (stating their place of residence and occupation), hereby undertake that the above named _____ will appear and answer the indictment above mentioned, in whatever court it may be prosecuted, and will at all times render himself amenable to the orders and process of the court, and, if convicted, will appear for pronouncement of judgment; or, if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($ _____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties, and the defendant if he be a party to the bond), for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of the Penal Code.

SEC. 3. Section 1458 of said code is amended to read:

Same Inferior courts

1458. The provisions of this code relative to bail are applicable to bail in cases triable in inferior courts. The defendant, at any time after his arrest and before conviction, may be admitted to bail. The undertaking of bail in such a case shall be in substantially the following form:

A complaint having been filed on the _____ day of _____, 19___, in the _____ Court of _____ County of _____ (stating title and location of court) charging _____ (naming defendant) as defendant with the crime of _____ (designating it generally) and he having been admitted to bail in the sum of _____ dollars ($_____) (stating amount);

We, _____ and _____, of _____ (stating their places of residence and occupation), hereby undertake that the above named defendant will appear and answer the complaint above mentioned and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and, if convicted, will appear for pronouncement of judgment or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond is ordered by the court, judgment may be summarily made and entered forthwith against the said _____ (naming the sureties and the defendant if he is a party to the bond) for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of this code.

SEC. 4. Section 1459 of said code is amended to read:

Same Inferior courts

1459. Undertakings of bail filed in inferior courts by admitted surety insurers shall meet all other requirements of law and the obligation of the insurer shall be in the following form:

_____ (stating the title and the location of the court).

Defendant _____ (stating the name of the defendant) having been admitted to bail in the sum of _____ dollars ($_____) (stating the amount of bail fixed) and ordered to appear in the above-entitled court on _____, 19___ (stating the date for appearance in court), on _____ (stating only the word "misdemeanor" or the word "felony") charge/s;

Now, the _____ (stating the name of admitted surety insurer and state of incorporation) hereby undertakes that the above-named defendant will appear in the above-named court on the date above set forth to answer the complaint filed against him/her and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold him/herself amenable to the orders and process of the court and, if convicted, will appear for pronouncement of judgment or if he/she fails to perform either of these conditions, that the _____ (stating the name of admitted surety insurer and state of incorporation) will pay to the people of

the State of California the sum of _____ dollars ($_____) (stating the amount of the undertaking of the admitted surety insurer).

If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said _____ (stating the name of admitted surety insurer and state of incorporation) for the amount of its undertaking herein, as provided by Sections 1305 and 1306 of the California Penal Code.

_____
(Stating the name of admitted surety insurer and state of incorporation),
(Signature)
By_____
Attorney-in-fact
(Corporate seal)

(Jurat of notary public or other officer authorized to administer oaths.)

CHAPTER 1975

An act to amend Sections 70050 and 70059 of the Government Code, relating to the superior court of a county with a population of 2,000,000 or over.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 70050 of the Government Code is amended to read:

70050. In each county with a population of 2,000,000 or over, the annual salary of the regular official phonographic reporters shall be nine thousand six hundred dollars ($9,600), and the compensation of official phonographic reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day, or any fractional part thereof. Phonographic reporter

SEC. 2. Section 70059 of said code is amended to read:

70059. In a county with a population of 4,000,000 or over, the fee required by Section 70053 shall be seven dollars and fifty cents ($7.50). Fee

CHAPTER 1976

An act to add Section 302.5 to and to amend Section 313 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 8, 1957 Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 302.5 is added to the Vehicle Code, to read:

Effective date

302.5. Effective Date of Suspension or Revocation. Whenever in this code the department is required to suspend or revoke the privilege of a person to operate a motor vehicle upon the conviction of such person of violating this code, such suspension or revocation shall begin upon a plea, finding or verdict of guilty.

SEC. 2. Section 313 of the Vehicle Code is amended to read:

Limited suspension

313. Suspensions Limited to Six Months in Certain Cases. (a) Unless otherwise specifically provided in this chapter, no suspension of a license by the department shall be for a longer period than six months.

(b) Any discretionary suspension, the ending of which is dependent upon an action by the person suspended and which has been in effect for eight years, may be ended at the election of the department.

CHAPTER 1977

An act to amend Sections 4903, 4904, and 5003 of the Labor Code and to amend Section 2629 of and to add Sections 2735.5 and 2741 to the Unemployment Insurance Code, relating to unemployment compensation disability benefits.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 4903 of the Labor Code is amended to read:

Liens

4903. The commission may determine, and allow as a lien against any amount to be paid as compensation:

(a) A reasonable attorney's fee for legal services pertaining to any claim for compensation either before the commission or before any of the appellate courts, and the reasonable disbursements in connection therewith.

(b) The reasonable expense incurred by or on behalf of the injured employee, as provided by Article 2 of Chapter 2 of Part 2 of this division.

(c) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(d) The reasonable burial expenses of the deceased employee, not to exceed the amount provided for by Section 4701.

(e) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family. Such expenses shall be allowed in such proportion as the commission deems proper, under application of the wife or guardian of the minor children.

(f) The amount of unemployment compensation disability benefits which have been paid under or pursuant to the Unemployment Insurance Code in those cases where, pending a determination under Division 4 of this code, there was uncertainty whether such benefits were payable under the Unemployment Insurance Code or payable hereunder; provided, however, that any lien under this subdivision shall be allowed and paid as provided in Section 4904.

(g) The amount of unemployment compensation benefits paid erroneously to the injured employee for a period for which he was unable to work and for which he received temporary total disability payments under this division.

SEC. 2. Section 4904 of the Labor Code is amended to read:

4904 If notice is given in writing to the insurer, or to the employer if uninsured, setting forth the nature and extent of any claim that is allowable as a lien, the claim is a lien against any amount thereafter payable as compensation, subject to the determination of the amount and approval of the lien by the commission. In determining the amount of lien to be allowed for unemployment compensation disability benefits under subdivision (f) of Section 4903 the commission shall allow such lien in the amount of benefits which it finds were paid for the same day or days of disability for which an award of compensation for temporary disability indemnity is made. In the case of agreements for the compromise and release of a disputed claim for compensation, the applicant and defendant may propose to the commission, as part of the compromise and release agreement, an amount out of the settlement to be paid to any lien claimant claiming under subdivision (f) of Section 4903. The determination of the commission, subject to petition for reconsideration and to the right of judicial review, as to the amount of lien allowed under subdivision (f) of Section 4903, whether in connection with an award of compensation or the approval of a compromise and release agreement, shall be binding on the lien claimant, the applicant, and the defendant, insofar as the right to benefits paid under the Unemployment Insurance Code for which the lien was claimed. The commission may order the amount of any lien claim, as determined and allowed by it, to be paid directly to the person entitled, either in a lump sum or in installments. Notice

SEC. 3. Section 5003 of the Labor Code is amended to read:

5003. Every release or compromise agreement shall be in writing and duly executed, and the signature of the employee or other beneficiary shall be attested by two disinterested witnesses or acknowledged before a notary public. The document shall specify: Release or compromise agreement

(a) The date of the accident.

(b) The average weekly wages of the employee, determined according to Chapter 1 of Part 2 of this division.

(c) The nature of the disability, whether total or partial, permanent or temporary.

(d) The amount paid, or due and unpaid, to the employee up to the date of the release or agreement or death, and the amount of the payment or benefits then or thereafter to be made.

(e) The length of time such payment or benefit is to continue.

(f) In the event a claim of lien under subdivision (f) of Section 4903 has been filed, the number of days and the amount of temporary disability indemnity which should be allowed to the lien claimant.

SEC. 4. Section 2735.5 is added to the Unemployment Insurance Code, to read:

Disallowance

2735.5. No claim of overpayment shall be based upon the disallowance by the Industrial Accident Commission under Section 4904 of the Labor Code of a claim of lien filed under subdivision (f) of Section 4903 of said code, or the allowance of such lien for less than the amount claimed, or upon the approval by the said commission of a compromise and release agreement providing for the allowance of such lien in an amount less than the claim.

SEC. 5. Section 2741 is added to the Unemployment Insurance Code, to read:

Lien Satisfaction and discharge

2741. Any claim of lien filed with the Industrial Accident Commission under the provisions of subdivision (f) of Section 4903 of the Labor Code shall be fully discharged and satisfied by payment of the amount of such lien allowed by the commission under the provisions of Section 4904 of said code or the amount specified in any compromise and release agreement filed and approved by the commission pursuant to Sections 5000 through 5004 of said code.

SEC. 6. Section 2629 of the Unemployment Insurance Code is amended to read:

Disability indemnity

2629. Except as provided in this section, an individual is not eligible for disability benefits for any day of unemployment and disability for which he has received, or is entitled to receive benefits, in the form of cash payments for temporary disability indemnity, under a workmen's compensation law, or employer's liability law of this State, or of any other state, or of the Federal Government. If such cash payments are less than the amount he would otherwise receive as disability benefits under this part, he shall be entitled to receive for such day, if otherwise eligible, disability benefits, reduced by the amount of such cash payments. If, after receipt of, or determination of entitlement to receive, temporary disability benefits under a workmen's compensation law, a claim for unemployment compensation disability benefits is filed during the same continuous period of disability, because of a disability for which the workmen's compensation claim was made, the maximum amount of benefits payable hereunder during the disability benefit period thereby established shall be reduced by the

amount of temporary disability benefits which the claimant received or has been determined to be entitled to receive under the Workmen's Compensation Law.

CHAPTER 1978

An act to amend Section 4226 of the Agricultural Code, relating to the marketing of fluid milk, fluid cream, and fluid skim milk.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4226 of the Agricultural Code is amended to read:

4226. Class 1 comprises any fluid milk, fluid skim milk, or fluid cream that is supplied to consumers as market milk, market skim milk, or market cream or concentrated milk or any combination of market milk, market skim milk, and market cream, or any market milk which is not sterilized and packaged in hermetically sealed containers, or any other dairy product in which the use of market milk or any components or derivatives of market milk is required by or pursuant to the provisions of this code, or any fluid milk, fluid skim milk, or fluid cream which is used in standardizing market milk.

CHAPTER 1979

An act to amend Section 13926 of the Government Code, relating to merit awards to state employees.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 13926 of the Government Code is hereby amended to read:

13926. The State Board of Control may make awards to state employees who:

(a) Propose procedures or ideas which hereafter have been adopted and which will result in eliminating or reducing state expenditures or improving operations; provided, such proposals are placed in effect; or

(b) Perform special acts or special services in the public interest; or

(c) By their superior accomplishments, make exceptional contributions to the efficiency, economy or other improvement in the operations of the State Government.

Awards for superior accomplishments shall be made in accordance with procedures and standards established by the State Personnel Board.

Any award made by the State Board of Control under the provisions of this section may be paid from the appropriation available to the state agency affected by the award.

The board may adopt rules and regulations to carry out the provisions of this section, and may appoint merit award boards made up of state officers, employees or citizens to consider employee proposals, special acts, special services, or superior accomplishments, and to make recommendations to the board as to the merits of the proposals, special acts, special services, or superior accomplishments, and whether or not the proposals, special acts, special services or superior accomplishments, justify an award.

Any award granted under the provisions of this section shall be limited to one hundred fifty dollars ($150) unless a larger award is approved by concurrent resolution of the Legislature.

When requested by the State Board of Control the Department of Finance may furnish such assistance as may be necessary to carry out the provisions of this section. Any expenditures made or costs incurred heretofore or hereafter by the Department of Finance for the purposes of this section may be paid from funds available for the support of the Department of Finance.

CHAPTER 1980

An act to amend Section 75032 of, and to add Section 75060.1 to, the Government Code, relating to the retirement of judges.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 75032 of the Government Code is amended to read:

Allowance

75032. Every judge who has retired or who retires pursuant to Section 75025 before or after the effective date of the amendment to this section enacted by the Legislature at its 1957 Regular Session shall, during the remainder of his life, receive an allowance equal to one-half the salary payable, at the time payment of the allowance falls due, to the judge holding the judicial office to which he was last elected by the people. The allowance shall be paid by the State at the times and in the manner provided for the payment of salaries of justices of the Supreme Court.

This amendment to this section enacted by the Legislature at its 1957 Regular Session does not give any retired judge a claim against the State for any increase in retirement allow-

ance or other benefit for time prior to the effective date of such amendment.

SEC. 2. Section 75060.1 is added to said code, to read:

75060.1. Notwithstanding any provision of law to the contrary, every judge retired for disability before or after the effective date of this section shall receive a retirement allowance in an amount which he would have received had he retired after the effective date of this section. This section does not give any retired judge a claim against the State for any increase in retirement allowance or other benefit for time prior to the effective date of this section.

SEC. 3. It is the intent of the Legislature that this act prevail over any other conflicting act enacted at the 1957 Regular Session of the Legislature without regard to the order of enactment and chaptering, including Sections 75060.5 and 75060.6 of the Government Code to be added by Senate Bill No. 387 if such bill is enacted and becomes law. Legislative intent

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CHAPTER 1981

An act to amend Section 33917 of the Health and Safety Code, relating to community redevelopment.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 33917 of the Health and Safety Code is amended to read:

33917. The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage shall provide for:

(a) The issuance of the bonds in one or more series.

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The interest rate, not exceeding the maximum rate fixed for bonds of cities under Chapter 4, Division 4, Title 4 of the Government Code.

(e) The denomination of the bonds.

(f) Their form, either coupon or registered.

(g) The conversion or registration privileges carried by the bonds.

(h) The rank or priority of the bonds.

(i) The manner of their execution.

(j) The medium of payment.

(k) The place of payment.

(*l*) The terms of redemption with or without premium to which the bonds are subject.

CHAPTER 1982

An act to amend Sections 1134 and 1135 of the Code of Civil Procedure, relating to costs on judgment by confession.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1134 of the Code of Civil Procedure is amended to read:

Fees and costs

1134. In courts other than justice courts, the statement must be filed with the clerk of the court in which the judgment is to be entered, who must endorse upon it, and enter a judgment of such court for the amount confessed with the costs hereinafter set forth. At the time of filing, the plaintiff shall pay as court costs which shall become a part of the judgment the following fees: in superior courts ten dollars ($10) and in municipal courts nine dollars ($9). No fee shall be collected from the defendant. No fee shall be paid by the clerk of the court in which said confession of judgment is filed for the law library fund nor for services of any court reporter. The statement and affidavit, with the judgment endorsed thereon, becomes the judgment roll.

SEC. 2. Section 1135 of said code is amended to read:

Same: Justice courts

1135. In a justice court, where the court has authority to enter the judgment, the statement may be filed with the judge, or with the clerk if there be a clerk, who must thereupon enter in the docket a judgment of the court for the amount confessed and at the time of filing, the plaintiff shall pay as court costs which shall become a part of the judgment five dollars ($5). No fee shall be collected from the defendant. No fee shall be paid by the clerk of the court in which said confession of judgment is filed for the law library fund nor for services of any court reporter. If a transcript of such judgment be filed with the county clerk, a copy of the statement must be filed with it.

CHAPTER 1983

An act to amend Section 4912.2 of the Education Code, relating to school districts.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 4912.2 of the Education Code is amended to read:

4912.2. In the event the plans and recommendations of a county committee for an area provide for the exclusion of

territory from a school district, the county committee shall determine if as to said district the election shall be held only in said territory. The county superintendent of schools shall call the election in the district or portion thereof in accordance with this section.

CHAPTER 1984

An act to amend Section 9801.2 of the Education Code, relating to the education of mentally retarded pupils.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 9801.2 of the Education Code is amended to read:

9801.2. The education of mentally retarded minors who do not come within the provisions of Section 9801.1, who are five or more, and less than 18 years of age, and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, may be provided for in the manner set forth in this chapter and in Article 13 of Chapter 8.1 of this division.

Each school district maintaining special training schools or classes for such mentally retarded minors may limit the number of minors to be admitted to such schools or classes.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

From the effective date of the 1957 amendment to this section, until the end of the 1961-1962 school year, this section shall also apply to the education of mentally retarded minors who are five or more, and less than 21 years of age, and who meet the other requirements of this section.

CHAPTER 1985

An act to amend Section 22674 of the Education Code, relating to support of libraries.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 22674 of the Education Code is amended to read:

22674. Anything in Chapter 3 of this division to the contrary notwithstanding, the property in any library district created under this chapter subsequent to the establishment of a county free library is subject to taxation for county free library purposes as though the library district had not been created.

CHAPTER 1986

An act to add Section 19574.5 to the Government Code, relating to investigation of accusations against state civil service employees.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 19574.5 is added to the Government Code, to read:

19574.5. Pending investigation by the appointing power of accusations against an employee involving mistreatment of persons in a state institution or immorality, the appointing power may order the employee on leave of absence for not to exceed 15 days. The leave may be terminated by the appointing power by giving 48 hours' notice in writing to the employee.

If punitive action is not taken on or before the date such a leave is terminated, the leave shall be with pay.

If punitive action is taken on or before the date such leave is terminated, the punitive action may be taken retroactive to any date on or after the date the employee went on leave. Notwithstanding the provisions of Section 19574, the punitive action, under such circumstances, shall be valid if written notice is served upon the employee and filed with the board not later than 15 calendar days after the employee is notified of the punitive action.

CHAPTER 1987

An act to amend Section 25503 of, and to add Section 25611.1 to, the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 25503 of the Business and Professions Code is amended to read:

Consignments to licensees, etc

25503. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or

any officer, director, or agent of any such person, shall do any of the following:

(a) Directly or indirectly, deliver the possession of any alcoholic beverages to any on- or off-sale licensee under an agreement of consignment whereby title to the alcoholic beverages is retained by the seller or whereby the licensee receiving the alcoholic beverages has the right at any time prior to sale to relinquish possession to or return them to the original seller.

(b) Directly or indirectly, give any licensee or any person any alcoholic beverages as free goods as a part of any sale or transaction involving alcoholic beverages.

(c) Give secret rebates or make any secret concessions to any licensee or the employees or agents of any licensee, and no licensee shall request or knowingly accept from another licensee secret rebates or secret concessions.

(d) Give or furnish, directly or indirectly, to any employee of any holder of a retail on-sale or off-sale license only any thing of value for the purpose or with the intent to solicit, acquire, or obtain the help or assistance of the employee to encourage or promote either the purchase or the sale of the alcoholic beverage sold or manufactured by the licensee giving or furnishing any thing of value, and any employee who accepts or acquires any thing of value contrary to the provisions of this subdivision is guilty of a misdemeanor.

(e) Wilfully or knowingly discriminate, in the same trading area, either directly or indirectly, in the price of any brand of distilled spirits sold to different retail licensees purchasing under like terms and conditions.

(f) Pay, credit, or compensate a retailer or retailers for advertising, display, or distribution service in connection with the advertising and sale of distilled spirits.

(g) Furnish, give, lend, or rent, directly or indirectly, to any person any decorations, paintings, or signs, other than signs advertising their own products as permitted by Section 25611.1.

(h) Pay money or give or furnish anything of value for the privilege of placing or painting a sign or advertisement, or window display, on or in any premises selling alcoholic beverages at retail.

SEC. 2. Section 25611.1 is added to said code, to read:

Signs

25611.1. Any manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, may furnish, give, lend or rent:

(a) Signs, each of which shall not exceed 630 square inches, for interior use in premises where alcoholic beverages are sold for consumption on the premises.

(b) Signs for interior use in premises where alcoholic beverages are sold for consumption off the premises.

(c) Such signs or other advertising matter for exterior use on any licensed premises as may be permitted by this division and rules of the department adopted pursuant thereto.

CHAPTER 1988

An act to amend Section 3081.2 of the Civil Code, relating to loans secured by real property.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 3081.2 of the Civil Code is amended to read:

3081.2. The statement required by Section 3081.1, the form of which shall be approved by the State Real Estate Commissioner, shall set forth separately the following items:

(a) An itemization of the estimated maximum costs and expenses of making the loan, which are to be paid by the borrower, including but not limited to:

(1) Any premium or other charges for insurance, other than fire insurance.

(2) Appraisal fees.

(3) Escrow fees.

(4) Notary and recording fees.

(5) Credit investigation fees.

If such person performs or is to perform any of the services provided for in this section, such person shall enumerate the amount thereof as required by this section and such person shall be entitled to said costs and expenses in addition to the charges provided for in Section 3081.2(b).

(b) The total amount of the charges, which shall include any fees other than those provided in (a) above, bonuses, brokerage, or commissions contracted for or to be received by any person for negotiating, procuring, arranging, or servicing such a loan.

(c) Any liens against the property, as disclosed by the borrower, and the estimated amount thereof.

(d) The estimated balance of the loan funds after deducting the total of items (a) and (b), which is to be paid to persons on his order, and the names and addresses of persons to be so paid, if any, and the balance which is to be delivered to the borrower.

(e) The principal sum of the note.

(f) The rate of interest or the total amount of interest.

(g) The term of the note, the number of installments, and the amount of each installment, and the approximate balance, if any, due at maturity.

(h) The name of the person negotiating the loan, his license number and the address of his licensed place of business.

(i) A statement that the broker is not the lender.

(j) The terms of prepayment privileges, if any.

CHAPTER 1989

An act to add Division 8 to the Welfare and Institutions Code, relating to community mental health services.

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Division 8 is added to the Welfare and Institutions Code, to read:

DIVISION 8. COMMUNITY MENTAL HEALTH SERVICES

CHAPTER 1. GENERAL PROVISIONS

Short title

9000. This division shall be known and may be cited as the Short-Doyle Act. This division is designed to encourage and to assist financially local governments in the establishment and development of mental health services, including services to the mentally retarded, through locally administered and locally controlled community mental health programs. It is furthermore designed to augment and promote the improvement and, if necessary, the expansion of already existing psychiatric services in general hospitals or clinics that help to conserve the mental health of the people of California.

It is the intent of this act that services to individuals shall be rendered only upon voluntary application.

Definitions

9001. As used in this division:

(a) "Governing body" means, in the case of a county, the county board of supervisors, or, in the case of a city, the city council, and in the case of a local health district, the board of trustees thereof.

(b) "Community mental health services" and "local mental health services" include city mental health services, county mental health services, local health district mental health services, and joint mental health services.

(c) "Population" means population as determined by the most recent estimate of the Department of Finance.

Community health service

9002. Any city or combination of cities having an aggregate population of more than 50,000 may by ordinance or resolution of each city involved establish a community mental health service.

Same

9003. Any county board of supervisors may by ordinance or resolution, or in the case of local health district, the board of trustees thereof, may establish a community mental health service to cover the entire area of the county or local health district as the case may be.

Joint mental health service

9004. The governing body of any county or city may by agreement with the governing bodies of any other city or county or cities or counties establish a joint mental health

service. Two or more cities which desire to establish a joint mental health service pursuant to this division may do so only if the aggregate population of such cities exceeds 50,000.

Advisory board

9006 Each community mental health service shall have an advisory board of seven members appointed by the governing body Three members of the advisory board, shall be physicians engaged in private practice of medicine, and one-third of the physician members, when available, shall be specialists in psychiatry. One member shall be the chairman of the local governing body, one member shall be a superior court judge selected by the judges of the county, and two members shall be persons representative of the public interest in mental health. The term of each member of the board shall be for three years; provided, however, that of the members first appointed, approximately one-third shall be appointed for one year, one-third for a term of two years, and one-third for a term of three years.

Expenses

9007. The expenses incurred under the provisions of this division shall be a charge against the city, county or counties, or local health district, as the case may be, and shall be audited, levied, collected, and paid in the same manner as other charges.

Powers, duties, etc

9008 The local mental health advisory board shall:

(a) Review and evaluate the community's mental health needs, services, facilities, and special problems.

(b) Advise the governing body as to a program of community mental health services and facilities, and, when requested by such governing body, may make recommendations regarding the appointment of a local director of mental health services

(c) After adoption of a program, continue to act in an advisory capacity to the local director of mental health services

Administration

9009. The local mental health services shall be administered, either by a local director of mental health services, by the local health officer, or by the medical administrator of the county hospital, to be appointed by the governing body. In any case, he shall be a physician and surgeon licensed under the provisions of Chapter 5 of Division 2 of the Business and Professions Code, and, in the case of the local director of mental health services, he shall meet such standards of training and experience as the Department of Mental Hygiene, by regulation, shall require. Applicants for such positions need not be residents of the city, county, or State, and may be employed on a full- or part-time basis.

Administration Powers and duties

9010. The local administrator of mental health services shall have the following powers and duties:

(a) He shall serve as chief executive officer of the community mental health service responsible to the governing body;

(b) He shall exercise general supervision over mental health services and facilities furnished, operated or supported;

(c) He shall recommend to the governing body, after consultation with the advisory board, the provision of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable to accomplish the purposes of this division;

(d) He shall submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year;

(e) He shall carry on such studies as may be appropriate for the discharge of his duties, including the control and prevention of psychiatric disorders.

Agreement: Required provisions

9011. Any agreement between two or more cities or counties for the establishment of a joint mental health service shall provide:

(a) That each city or county shall bear its proportionate share on the basis of population served of the cost of joint mental health services provided;

(b) That the treasurer of one participating city or county shall be the custodian of moneys made available for the purposes of such joint services, and that the treasurer may make payments from such moneys upon audit of the appropriate auditing officer or body of the city or county for which he is treasurer.

Same: Optional provisions

9012. Such agreement may also provide:

(a) For the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating city or county under contract for the other participating counties.

(b) For appointments of members of the local mental health advisory board between or among participating cities or counties.

(c) That for specified purposes, officers and employees of a joint mental health service shall be considered to be officers and employees of one participating city or county only.

(d) For such other matters as are necessary or proper to effectuate the purposes of this division.

Application

9013. Unless otherwise expressly provided or required by context, the provisions of this division relating to community mental health service, and the appointment of local mental health advisory boards and directors, shall apply to joint mental health services.

Contracts

9014. A community mental health service may contract for services and facilities with any hospital, clinic, laboratory, or other similar institution. Any such contract may be entered into notwithstanding that the director of community mental health service is a member of the medical or consultant staff of such hospital, clinic, laboratory or institution.

CHAPTER 2. ELIGIBILITY OF CITIES AND COUNTIES FOR STATE REIMBURSEMENT

Reimbursement

9030. Community mental health expenditures made by cities, counties, and local health districts, pursuant to this division shall be reimbursed by the State pursuant to the provisions of this chapter.

Services

9031. The community mental health services provided herein shall consist of:

(a) Out-patient psychiatric clinics for those who are unable to obtain private care, including referrals by physicians and surgeons.

(b) In-patient psychiatric services in general hospitals and in nonprofit psychiatric hospitals which are affiliated as the psychiatric division of or with a general hospital for those who are unable to obtain private care, including referrals by physicians and surgeons.

(c) Rehabilitation services for patients with psychiatric illnesses for those who are unable to obtain private care, including referrals by physicians and surgeons.

(d) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health and welfare agencies, probation departments, and other appropriate, public or private agencies or groups authorized in the approved plan for community mental health services.

(e) Psychiatric consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

To be eligible for reimbursement, a city, county, local health district, or in the case of a joint community mental health service two or more counties, shall first have established two or more of the facilities or services provided for herein.

Such inservice training as may be necessary in providing the foregoing services shall be proper items of expenditure in connection therewith.

Annual plan

9032. To be eligible for reimbursement, a city, county, local health district, or, in the case of a joint community mental health service two or more such entities, shall first submit to the Director of Mental Hygiene annually a plan for proposed expenditures. The director shall review such plan to determine compliance with the standards established in this division and pursuant to Sections 9054 and 9055, and fix the amount subject to state reimbursement. Existing services may qualify, pursuant to the provisions of this chapter, for reimbursement upon determination by the local governing body that such services shall be subject to and administered under the provisions of this division.

Reimbursement

9033. Expenditures incurred for the items specified in Section 9031 shall, in accordance with the regulations of the

Director of Mental Hygiene, be subject to reimbursement whether incurred by direct or joint operation of such facilities and services, by provisions therefore through contract, or by other arrangement pursuant to the provisions of this division. The Director of Mental Hygiene may make investigations and audits of such expenditures as he may deem necessary.

Federal aid

9034. Subject to appropriation therefor, there shall be paid to each city or county on account of expenditures subject to reimbursement by the State pursuant to Section 9030, 50 percent of the net amount expended from local funds, and for the purpose of determining said net amount, there shall be deducted from the cost of services any fees received from patients, and any other revenues received, save and excepting that funds received from the Federal Government under the National Mental Health Act and the Health Amendments Act of 1956 shall not be deducted from the cost of services. Where, however, such funds received from the Federal Government under the National Mental Health Act and the Health Amendments Act of 1956 for any fiscal year exceed 50 percent of the net amount expended from the local funds during such fiscal year, as such net amount is computed in accordance with the provisions here contained, then the amount of state reimbursement provided for herein shall be reduced by such excess. Reimbursement shall be made on a quarterly basis, upon submission to the Director of Mental Hygiene of such information as he may require.

Pro-ration

9035. With respect to cities or counties which have established joint mental health services, expenditures subject to reimbursement shall mean the pro-rated expenditures of such cities or counties as provided by the agreement establishing the joint service.

Other expenditures Reimbursement

9036. Expenditures subject to reimbursement shall include expenditures for the items specified in Section 9031; salaries of personnel; approved facilities and services provided through contract; operation, maintenance and service costs; expenses incurred under this act by members of the California Conference of Local Health Officers or members of the Conference of Local Directors of Mental Health Services for attendance at regular meetings of such conferences; and such other expenditures as may be approved by the Director of Mental Hygiene. It shall not include expenditures for capital improvements; the purchase or construction of buildings; compensation to members of a local mental health advisory board (except actual and necessary expenses incurred in the performance of official duties); or expenditures for a purpose for which state reimbursement is claimed under any other provision of law.

Nonreimbursable costs

9037. Reimbursement shall not be made for expenditures for treatment services furnished to patients who are able to obtain private care, and, for the purposes of reimbursement, there shall be deducted from the cost of services any fees received from patients and any other revenue received.

Same Court proceedings

9038. Reimbursement shall not be made for costs and expenditures incurred by reason of court procedures under this or any other code, nor shall reimbursement be made for the cost of confinement of any person in excess of 90 days.

9039 Reimbursement shall not be made to any city, county, or local health district, which, with respect to a local mental health service, employs a physician who is not a citizen of the United States.

Claims

9040. Claims for state reimbursement shall be made in such form, in such manner, at such times, and for such periods as the Director of Mental Hygiene shall determine.

Audits, payment

9041. When certified by the Director of Mental Hygiene, claims for state reimbursement shall be presented to the State Controller for payment. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that such reimbursement is for expenditures made for the purposes and under the conditions authorized under this division All claims shall be payable from appropriations made for the fiscal year in which the claims are filed, regardless of the time at which the expenses upon which the claims are based are incurred

CHAPTER 3. OPERATION AND ADMINISTRATION

Fees

9050 Fees shall be charged in accordance with the ability to pay for mental health services rendered pursuant to an approved local plan, but not in excess of actual cost.

California Conference of Local Mental Health Directors

9053. There is hereby established the California Conference of Local Mental Health Directors, with which the Director of Mental Hygiene shall consult in establishing standards, rules, and regulations pursuant to this division Until 12 community mental health services have been established, the membership of the California Conference of Local Mental Health Directors shall consist of and be identical with the membership of the California Conference of Local Health Officers in addition to the local mental health directors appointed under this division.

Members

The California Conference of Local Mental Health Directors shall consist of all regularly appointed directors of community mental health services. It shall organize and shall annually elect a president, a vice president, and a secretary, who shall serve as the executive committee of the conference The president of the conference, after consultation with the Director of Mental Hygiene, may appoint, for the purpose of advising the director, such other committees of the conference as may from time to time be necessary.

Meetings

Meetings of the conference for the purposes of this division shall be called by the Director of Mental Hygiene, who shall give the members at least 10 days' notice of such meetings. At official sessions of meetings of the conference the Director of Mental Hygiene shall preside; provided, however, that the conference may hold additional sessions as may be determined

upon by the executive committee of the conference at which the president or other members of the conference shall preside. Those members present at official sessions shall be considered as making up a quorum.

Expenses

Actual and necessary expenses incurred by a member as incident to his attendance at not more than three meetings per year of the conference shall be a legal charge against the local government unit which he represents. Actual and necessary expenses incurred by members of the conference incident to attendance at special meetings of the committees of the conference called by the Director of Mental Hygiene shall be a legal charge against any funds available for administration of this division.

Standards

9054. The State Department of Mental Hygiene shall administer this division and shall adopt standards for approval of local mental health services, rules and regulations necessary thereto; provided, however, that such standards, rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Mental Health Directors. Approval of such standards, rules and regulations shall be by majority vote of those present at an official session.

Regulations

9055. The State Director of Mental Hygiene, after consultation with and approval by the California Conference of Local Mental Health Directors, shall by regulations establish standards of education and experience for professional and technical personnel employed in local mental health services and for the organization and operation of local mental health services. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Mental Hygiene in a manner and at such times as it may specify.

The regulations shall be adopted in accordance with the Administrative Procedure Act, commencing with Section 11370 of the Government Code.

Consultant

9056. The State Department of Mental Hygiene, after consultation with and approval by the California Conference of Local Mental Health Directors, may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by the department, and for the establishment and maintenance of field training centers in local mental health services.

Same

9057. The president of the California Conference of Local Mental Health Directors, for the purposes of this division, may, after consultation with the Director of Mental Hygiene, appoint such psychiatric and such other consultants as may be deemed necessary who shall serve without pay but who shall receive actual and necessary travel and other expenses incurred.

Noncompliance

9058. The Director of Mental Hygiene may withhold state reimbursement, after consultation with the California Conference of Local Mental Health Directors, in whole or in part,

from any city or county in the event of the failure of such city or county to comply with the provisions of this division or regulations made pursuant thereto relating to community mental health services or the administration thereof.

CHAPTER 1990

An act making an appropriation for community mental health services.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of eight hundred fifty thousand dollars ($850,000) for the fiscal year beginning July 1, 1957, for the purpose of carrying out the provisions of Division 8 of the Welfare and Institutions Code, relating to community mental health services, to be expended in accordance with the following schedule:

(a) Subsidy to cities and counties $786,000
(b) Salaries and wages, Department of Mental Hygiene $48,765
(c) Operating expenses and initial equipment, Department of Mental Hygiene $15,235

CHAPTER 1991

An act to amend Section 7717.1 of the Education Code, relating to school building aid, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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:

Area of adequate school construction

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 for 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.

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 Sections 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.

The board shall exclude from the building area of a district the area of any building which is or will be used exclusively for a parent cooperative nursery education facility, and for no other purpose, and which building at the time of acquisition thereof by the district was incidental to the purchase of a school site and unsuitable for classroom purposes or which was acquired by the district without expenditure of school district funds.

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 a 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 1, 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.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature.

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 the area of adequate school building construction in an applicant school district for state school building must be computed at the time of application for such aid by the district. In the acquisition of sites for school construction it frequently occurs that buildings are acquired which are not suitable for classroom construction but which may serve some useful purpose to the district or the residents thereof and which will be excluded from the computation of the area of adequate school building construction existing in the district by this act. In order that the state school building aid program may proceed without unnecessary delay it is necessary that this act take effect immediately.

CHAPTER 1992

An act to add Section 1740 to the Labor Code, relating to public works performed with federal funds.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1740 is added to the Labor Code, to read:

1740. Notwithstanding any other provision of this chapter or any other law of this State, except limitations imposed by the Constitution, the legislative body of a political subdivision which has received or is to receive a loan or grant of funds from the Federal Government or a federal department or agency for public works of that political subdivision, may provide in its call for bids in connection with such public works that all bid specifications and contracts and other procedures in connection with bids or contracts shall be subject to modification to comply with revisions in federal minimum wage schedules without the necessity of republication or duplication of other formal statutory requirements

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CHAPTER 1993

An act to amend Sections 22009, 22202, 22208, 22301, 22302 and 22303; to add Article 2.5 (consisting of Sections 22150 and 22151) to Chapter 1, Part 4, Division 5, Title 2, and Section 22009.1; and to amend and renumber Section 22150 of the Government Code, relating to agreements for Social Security coverage of employees of public agencies and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. Section 22009 of the Government Code is amended to read:

22009. "Public agency" means the State, any city, county, city and county, district, municipal or public corporation or any instrumentality thereof, or boards and committees established under Chapter 10 of Division 6 of the Agricultural Code, Chapter 754 of Statutes of 1933, as amended, or Chapter 307 of the Statutes of 1935, as amended, the employees of which constitute one or more coverage groups or retirement system coverage groups. "Public agency"

SEC. 2. Section 22009.1 is added to said code, to read:

22009.1. "Retirement system" includes: "Retirement system"

(a) A pension, annuity, retirement or similar fund or system established by a public agency and covering only positions of that agency.

(b) The State Employees' Retirement System with respect only to employees of the State and employees of the University of California in positions covered by that system

(c) The State Employees' Retirement System with respect only to employees of all school districts in positions covered under each contract entered into by a county superintendent of schools and the system.

(d) The State Teachers' Retirement System with respect to all employees in positions covered by that system except em-

ployees of a public agency having any employees in positions covered by such system who are also in positions covered by a local retirement system for the retirement of teachers, or for membership in which public school teachers are eligible, operated by city, city and county, county or other public agency or combination of public agencies of the State.

(e) The Legislators' Retirement System with respect to all employees in positions covered by that system.

(f) The Judges' Retirement System with respect to all employees in positions covered by that system.

(g) The Pension and Retiring Annuities System of the University of California only with respect to all employees in positions covered by that system.

(h) The San Francisco City and County Employees' Retirement System with respect to all employees in positions covered by that system.

(i) Any other retirement system with respect only to employees of any two or more of the public agencies having employees in positions covered by such system, as designated by the board and with regard to which the board authorizes conduct of a referendum.

(j) Except as otherwise provided in subdivisions (b) through (i) above, any retirement system with respect to employees of each of the public agencies having employees in positions covered by the system.

(k) Each division or part of a retirement system as defined in subdivisions (a), (c), (g), (h), (i), and (j) of this section, which is divided pursuant to this chapter into two parts:

(1) The part composed of the positions of members of such system who desire coverage under the federal system.

(2) The part composed of the positions of members of such system who do not desire coverage under the federal system.

SEC. 3. Section 22150 of Article 2, Chapter 1, Part 4, Division 5, Title 2 of the Government Code is amended and renumbered to read:

Separate retirement system coverage

22125. For all purposes of this part relating to Section 218(c) of the Social Security Act, employees in any class or classes of positions covered by a retirement system excluded from the agreement pursuant to paragraph (3) or (5) of Section 218(c) of the Social Security Act at the time it is made applicable to such retirement system and to which the agreement does not already apply shall constitute a separate retirement system coverage group.

For the purposes of the referendum among eligible retirement system employees in such retirement system coverage group as required by Article 2 of Chapter 2 of this part and Section 218(d) of the Social Security Act, each such class shall constitute a separate retirement system.

SEC. 4. Article 2.5 is added to Chapter 1, Part 4, Division 5, Title 2, of the Government Code, to read:

Article 2.5. Division of Retirement Systems

Division of system

22150. A retirement system as defined in subdivisions (a), (h), and (j) of Section 22009.1 may be divided by the legislative or governing body of the public agency. A retirement system as defined in subdivisions (c), (g), and (i) of Section 22009.1 may be divided by the person or body authorized under this part to conduct a referendum among eligible employees in positions covered by such system. Any such division of a retirement system shall be in accordance with applicable federal law and regulations and may be made only upon the affirmative vote of a majority of the persons voting in an election held among the members of the retirement system to be divided.

Regulations, etc

22151. The board shall adopt rules and regulations governing the division of a retirement system and assuring that employees in positions covered by a system shall be given a general explanation of the modification, if any, of the existing retirement plan that may result from coverage of such positions under the agreement before the employees are required to elect between the divisions of the system.

SEC. 5. Section 22202 of said code is amended to read:

Adjutant General

22202. With respect to employees in the coverage group defined in subdivision (a) of Section 22100, such application shall be deemed to be made by a public agency if made by the Adjutant General. With respect to employees in positions covered by the retirement system set forth in subdivision (d) of Section 22009.1, such application shall be deemed to be made by a public agency if made by the State Teachers' Retirement Board. With respect to employees in positions covered by the retirement system set forth in subdivision (g) of Section 22009.1, such application shall be deemed to be made by a public agency if made by the Board of Regents of the University of California.

SEC. 6. Section 22208 of said code is amended to read:

Application for inclusion

22208. With respect to each retirement system coverage group, the legislative or governing body of every public agency having employees in positions covered by a retirement system, the State Teachers' Retirement Board with respect to employees in positions covered by the retirement system set forth in subdivision (d) of Section 22009.1 upon authorization by the Legislature, and the Board of Regents of the University of California with respect to employees in positions covered by the retirement system set forth in subdivision (g) of Section 22009.1, may, upon the affirmative vote of a majority of eligible retirement system employees of the retirement system coverage group at a referendum conducted in accordance with the provisions of Article 2 of this chapter and the rules and regulations promulgated by the board pursuant to this part, make formal application to the board for the inclusion of the employees in each such retirement system coverage group in the agreement.

SEC. 7. Section 22301 of said code is amended to read:

Referendum

22301. In the case of employees in positions covered by a retirement system as set forth in subdivision (e) of Section 22009.1 such referendum shall be conducted by the applicable county superintendent of schools, at such time as the board deems appropriate; provided, such referendum is authorized by the Legislature. In the case of employees in positions covered by a retirement system as set forth in subdivision (i) of Section 22009.1, such request may be made by such officials as the board deems necessary to carry out the provisions of this part as they relate to such system.

In the case of state employees and employees of the University of California in positions covered by the State Employees' Retirement System, the board shall conduct such referendum and such referendum shall be conducted on any date the board deems appropriate; provided, such referendum is authorized by the Legislature.

SEC. 8. Section 22302 of said code is amended to read:

Same

22302. In the case of employees in positions covered by the retirement system set forth in subdivision (d) of Section 22009.1, the State Teachers' Retirement Board shall conduct such referendum; provided, such referendum is authorized by the Legislature.

In the case of employees in positions covered by the retirement system set forth in subdivision (g) of Section 22009.1 the board shall authorize such referendum upon the request of the Board of Regents of the University of California and the Board of Regents shall conduct such referendum.

SEC. 9. Section 22303 of said code is amended to read:

Same

22303. In the case of employees in positions covered by the retirement systems set forth in subdivisions (e) and (f) of Section 22009.1, the board shall conduct each such referendum; provided, that each such referendum is authorized by the Legislature.

Operative date

SEC. 10. This act shall become operative only if Section 218(d)(6) of the Social Security Act is amended to include the State of California in provisions thereof for division of retirement systems into two parts, one composed of positions of members desiring coverage under O. A. S. I. and the other composed of positions of members not desiring such coverage and, in such case, it shall become operative at the same time as such amendment takes effect.

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:

An amendment to the Social Security Act is anticipated at an early date which will provide that any retirement system established by the State of California or a political subdivision thereof shall, if the State so desires, be divided into two divisions, one of which is composed of members of such system

who desire coverage under old-age and survivors insurance and the other of which is composed of members who do not desire such coverage. In order that employees of public agencies now seeking to cover members of retirement systems may provide such coverage with maximum equity to all members, it is necessary that such amendment be made operative in this State.

CHAPTER 1994

An act to add Chapter 11.5 (commencing at Section 9821) to Division 4 of the Education Code, relating to advance apportionments to school districts providing for the education of mentally retarded minors.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Chapter 11.5 is added to Division 4 of the Education Code, to read:

CHAPTER 11.5. ADVANCE APPORTIONMENTS TO SCHOOL DISTRICTS

Special training schools

9821. Whenever any school district establishes special training schools or classes for the education of mentally retarded minors who come within the provisions of Section 9801.2, the governing board of the school district may apply to the Superintendent of Public Instruction for an apportionment pursuant to this chapter.

Application

9822. The application shall be made prior to September 1st of each school year in the form and manner prescribed by the Superintendent of Public Instruction and shall include an estimate of the average daily attendance that will be credited to such schools or classes during the school year in which they are established. Such estimate shall be based upon the number of minors residing in the district or in an adjacent district that come within the provisions of Section 9801.2 and who will attend such schools and classes shall be subject to the approval of the Superintendent of Public Instruction.

Apportionment

9823. Not later than 30 days after such application, the Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to the maximum amount allowable per unit of average daily attendance to school districts for the excess expense of educating mentally retarded minors who come within the provisions of Section 9801.2, multiplied by eight and the product

thereof multiplied by the number of special training classes established by the applicant school district for such minors.

Abstract of apportionments

9824. The Superintendent of Public Instruction shall furnish an abstract of all apportionments made to school districts of any county under this chapter to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the districts of the county.

Credit to general fund

9825. All moneys received by the treasurer of a county under this chapter shall be credited by the treasurer to the general fund of the school district of the county exactly as apportioned by the Superintendent of Public Instruction.

Deductions

9826. During the next two fiscal years after the fiscal year in which such apportionment is advanced to a school district under this chapter, the State Controller shall deduct from apportionments made to each such school district from the State School Fund an amount equal to the amount apportioned to such district under this chapter and pay the same into the State General Fund.

CHAPTER 1995

An act to amend Section 24205 of the Education Code, relating to the issuance of college degrees.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 24205 of the Education Code is amended to read:

24205. The power to issue certificates or diplomas evidencing the completion of any course of instruction in medicine, surgery, chiropody, drugless practice, dentistry, pharmacy, optometry, veterinary medicine, chiropractic, osteopathy, public accountancy, law, architecture, professional nursing, vocational nursing, or any other type of nursing except as provided in Section 24206 of this code, or civil engineering, or to confer degrees of any kind or character whatsoever, is limited to corporations incorporated pursuant to this article, whose articles of incorporation, or amended articles of incorporation, confer such authority, and which comply with Sections 24202 to 24204, inclusive. This section shall not apply to any university, college, or seminary of learning which prior to September 19, 1939, has been given, or whose trustees have been given, the right to exercise corporate powers and privileges by special legislative act or which has been chartered

under existing laws as an educational institution with the power to confer degrees and continuously offered and (except for normal vacation periods) conducted, from the first day of January, 1939, to September 19, 1939, regular resident courses of instruction in such subjects.

CHAPTER 1996

An act to amend Sections 4452, 4453, 4455, 4460, 4702, and 4706 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4706 of the Labor Code is amended to read:

4706. (a) If a dependent beneficiary of any deceased employee dies and there is no surviving dependent, the death benefit terminates and does not survive to the estate of the deceased dependent, except that payments of the death benefit accrued and payable at the time of the death of the sole remaining dependent shall be paid upon the order of the commission to the heirs of the dependent or, if none, to the heirs of the deceased employee, without administration.

Death benefit Termination

(b) In the event there is no surviving dependent and no surviving heir, the commission may order the burial expense of the deceased employee, not to exceed the amount specified in Section 4701, paid to the proper person, without administration.

SEC. 2. Section 4452 of the Labor Code is amended to read:

4452. Four times the average annual earnings shall be taken at not less than four thousand eight hundred dollars and sixty-four cents ($4,800.64) nor more than fifteen thousand two hundred dollars and sixty-four cents ($15,200.64) in disability cases, and in death cases shall be taken at not less than the minimum nor more than the maximum limits as provided in Section 4702 of this code.

SEC. 3. Section 4453 of said code is amended to read:

4453. In computing average annual earnings for the purposes of temporary disability indemnity only, the average weekly earnings shall be taken at not less than twenty-three dollars and eight cents ($23 08) nor more than seventy-six dollars and ninety-three cents ($76.93). In computing average annual earnings for purposes of permanent disability indemnity, the average weekly earnings shall be taken at not less than twenty-three dollars and eight cents ($23.08) nor more than sixty-one dollars and fifty-four cents ($61 54). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows:

Average annual earnings

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 95 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 95 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by the week, month, or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 95 percent of the actual weekly earnings average for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 95 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 4. Section 4455 of said code is amended to read:

Minors

4455. If the injured employee is under 21 years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed in Section 4453, to be the weekly sum which under ordinary circumstances he would probably be able to earn at the age of 21 years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured. If such probable earnings at the age of 21 years cannot reasonably be determined, his average weekly earnings shall be taken as sixty-one dollars and fifty-four cents ($61.54).

SEC. 5. Section 4460 of said code is amended to read:

Temporary disability indemnity

4460. For the purpose of computing the temporary disability indemnity payable to any employee who sustains an original injury causing temporary disability, the maximum average weekly earnings shall be taken at seventy-six dollars and ninety-three cents ($76.93). For the purpose of computing the permanent disability indemnity payable to any employee who sustains an original injury causing permanent disability, the maximum average weekly earnings shall be taken at sixty-one dollars and fifty-four cents ($61.54).

Every computation made pursuant to this section as last amended shall be made only with reference to temporary disability or such permanent disability resulting from an original injury sustained after the act last amending this section be-

comes effective; provided, however, that all rights presently existing under this section shall be continued in force.

SEC. 6. Section 4702 of said code is amended to read:

4702. Except as provided in the next paragraph, the death benefit in cases of total dependency, when added to all accrued disability indemnity, shall be the sum of twelve thousand dollars ($12,000) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be increased 25 percent, but not to exceed fifteen thousand dollars ($15,000) and except as otherwise provided in Sections 4553 and 4554. In cases of partial dependency the death benefit shall be a sum equal to four times the amount annually devoted to the support of the dependents by the employee, not to exceed the sum of twelve thousand dollars ($12,000). The death benefit in all cases shall be paid in installments in the same manner and amounts as temporary disability indemnity, payments to be made at least twice each calendar month, unless the commission otherwise orders. Death benefit

Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the original injury resulting in death occurs after the effective date of the amendment to this section adopted at the 1949 Regular Session of the Legislature.

Every computation made pursuant to this section shall be made only with reference to death resulting from an original injury sustained after this section as amended during the 1957 Regular Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

CHAPTER 1997

An act to add Division 11d (commencing at Section 729.01) to the Vehicle Code, relating to the transportation of explosives.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Division 11d (commencing at Section 729.01) is added to the Vehicle Code, to read:

DIVISION 11d. TRANSPORTATION OF EXPLOSIVES

729.01. Explosives (a) For the purposes of this division only the term "explosives" shall include all materials within Class A and Class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, Definition

blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, after he has considered changes in the classification of materials as Class A and Class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this division. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

(b) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of 75 caliber or less, nor any other Class C explosives as classified by the Interstate Commerce Commission.

Applicability

729.02. Application of Division 11d. (a) This division shall apply to the operation of any motor vehicle on any public highway for the purpose of transporting any explosive in any amount when such transportation is rendered as a delivery service or for hire, or in any other event for the purpose of transporting any explosive in an amount in excess of 1,000 pounds. The transportation of quantities of explosives of 1,000 pounds or less, or other than on a public highway, is governed by Division 11 (commencing at Section 12000) of the Health and Safety Code.

(b) It is the legislative intention in enacting this division and with particular reference to requiring permits for transportation of explosives as set forth herein that said provisions shall apply uniformly throughout the State of California and that said permit to be obtained from the Department of the California Highway Patrol shall be in lieu of any requirement for any permit to be obtained by any said owner from any local authority within said State.

Permit

729.03. Permit and Highways to Be Used for Transportation of Explosives. (a) It is a misdemeanor for any owner of a vehicle to drive or permit the driving of said vehicle on any public highway for the purpose of transporting any explosive as defined herein and within the scope of Section 729.02 unless such owner then holds a valid permit for the transportation of explosives as provided in this division, except such persons as are expressly exempted in this division

(b) It is a misdemeanor for the owner of any vehicle transporting explosives to drive, or to permit the driving of such vehicle, and for the driver to drive such vehicle, upon any public highway, not designated in regulations adopted by the State Fire Marshal as a route for the transportation of explosives, unless the use of such highway is required to permit delivery of, or the loading of additional, explosives at a point not on a highway designated as a route for the transportation of explosives.

The State Fire Marshal, after public hearings with the officials having the responsibility for the prevention and suppression of fire in communities through which such routes pass, representatives of transportation companies concerned, explosives manufacturers, and the Department of the California Highway Patrol shall, by regulation, designate the routes in this State which are to be used for the transportation of explosives, and he shall prepare and deliver to the Department of the California Highway Patrol, for distribution to persons engaged in the transportation of explosives, maps which clearly indicate the routes, as established by the public hearings, which are to be used for the transportation of explosives, required inspection stops, and safe places for the drivers of vehicles transporting explosives to stop for food, fuel, or other necessary reasons. State Fire Marshal Duties

(c) In the event the owner of a vehicle leases the same to be used in the transportation of explosives for which a permit is required, the lessee shall be deemed the owner for the purposes of this division.

729 04. Application for and Issuance of Permit. (a) Application for a permit to engage in the transportation of explosives on any vehicle upon a public highway shall be made to the Department of the California Highway Patrol upon a form provided by said department. Every application shall certify that every vehicle to be used in the transportation of explosives and subject to this division meets the standards as to condition and equipment as prescribed by the Interstate Commerce Commission and Division 11D of this code for vehicles used in such transportation. Permit: Application, etc.

(b) The Department of the California Highway Patrol, upon receiving proper application hereunder, is authorized to issue a permit for transportation of explosives by vehicle upon public highways, which permit when issued shall be effective until suspended, canceled or revoked.

729 05. Authority to Refuse Permit. The Department of the California Highway Patrol is authorized to refuse the issuance of a permit for the transportation of explosives when, upon a showing by the records of the Department of Motor Vehicles, it is evident that the applicant or his employees have been guilty of repeated violations of the traffic laws to such an extent as to demonstrate that it would be unsafe and not in the public interest to permit said applicant to operate or permit the operation of any vehicle owned by him for the transportation of explosives upon the public highways. Refusal

729.06. Record of Permits Issued. The Department of the California Highway Patrol shall keep a record of the number of each permit, the date issued, and the name and address of the person to whom issued. Record of permits

729.07. Suspension or Revocation of Permit. (a) The Department of the California Highway Patrol is authorized to suspend or revoke a permit for the transportation of explosives issued to any owner of one or more vehicles used in Suspension, etc

such transportation if the department determines from the records of the Department of Motor Vehicles that the permittee or persons employed by him to drive vehicles subject to such permit have been guilty of such number of offenses and of a sufficiently serious nature under this division or against the traffic laws as to indicate that such permittee or any of his said drivers are not qualified to operate a vehicle or vehicles transporting explosives with reasonable safety.

(b) Any suspension of a permit hereunder shall be for a period of not in excess of three months and any order of revocation shall be effective for a period of one year.

(c) The Department of the California Highway Patrol shall not make effective any order of suspension or revocation of a permit unless and until notice of such proposed action has been given to the permittee and he has been given opportunity for a hearing if request is made by him for any such hearing.

Inspection

729 08. Inspection of Vehicle Transporting Explosives. (a) Any person operating or permitting the operation of a vehicle or combination of vehicles used in the transportation of explosives and subject to this division shall make or cause to be made an inspection of every said vehicle or combination of vehicles as hereinafter set forth.

(b) Such inspection as called for in Section 729.09 shall be made immediately preceding the actual transportation of explosives by any said vehicle and whenever there is an interchange of any vehicle operating in combination with any other vehicle in the transportation of explosives.

(c) Inspection of tires and brakes shall also be made en route at suitable intervals, off the highway, at inspection stops established by the Department of the California Highway Patrol, at regular stops, terminal points, or driver-change points.

Same: Scope

729.09. Scope of Inspection. The inspection of a vehicle required under Section subdivision (b) of Section 729.08 shall include inspection of the following:

(1) Brakes and the brake system.

(2) The ignition and lighting systems.

(3) All tires on the equipment.

(4) All supplemental equipment as required by Section 729.11.

Record

729.10. Record of Inspection. Every person operating a vehicle or combination of vehicles in the transportation of explosives subject to this division shall complete a record of every inspection which is required under subdivision (b) of Section 729.08 and Section 729 09 in such form as approved by the Department of the California Highway Patrol showing the time and place of every said inspection The person making such inspection shall certify such fact in said record. The forms may be based upon the type used by the Interstate Commerce Commission.

The driver of any said vehicle shall display such record upon demand of any member of the California Highway Patrol or

any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of Division 9 of this code.

Equipment

729.11. Requirements in Respect to Equipment. Every vehicle or combination of vehicles used in the transportation of explosives and subject to this division, in addition to any other equipment required by law, shall be equipped and maintained as required by this section.

(1) Brakes and the brake system shall be maintained in good and safe operating condition.

(2) The ignition and lighting systems shall be maintained in good operating condition. Every said vehicle or combination of vehicles shall be equipped with at least one spare electric bulb for each kind of electric lamp used for any of the lighting devices required under this code and one spare fuse for each type fuse used in the electrical system.

(3) All tires shall be in good condition, properly matched and inflated. Every vehicle or combination of vehicles shall carry at least one spare tire.

(4) There shall be carried at least two fire extinguishers, filled and ready for use, one bearing the approval of the Underwriters Laboratories as a 2: A Unit, the other as a 4.B: C Unit.

(5) Every such vehicle or combination of vehicles shall carry two red cloth flags, each not less than 16 inches square, for use as warning devices and either three red electric lanterns or three red emergency reflectors. No flare, fusee, oil lantern or any signal device producing a flame shall be carried upon any such vehicles or combination of vehicles.

Instructions Drivers

729.12. Instructions to Drivers. Every owner of a vehicle used in the transportation of explosives and subject to this division shall give to each person employed by him to drive any said vehicle a summary of the provisions of this division and shall require that said driver be thoroughly familiar with said provisions before operating any vehicle in such transportation of explosives.

Bill of lading, etc.

729.13. Shipping Instructions. Persons operating vehicles, or combination of vehicles, in the transportation of explosives and subject to this division, shall not accept any of said explosives for such transportation unless such shipment is accompanied by a bill of lading or other shipping paper supplied by the shipper, showing the kind of explosives and bearing a statement that they have been packaged, labeled and marked in accordance with regulations of the Interstate Commerce Commission, and said bill of lading or other shipping paper shall be carried in the vehicle while en route and shall be displayed upon demand of any member of the California Highway Patrol or any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of Division 9 of this code

Prohibited cargoes

729.14. Certain Cargoes Prohibited. There shall not be included in any cargo of explosives any flammable liquids,

acids, or corrosive liquids, oxidizers, or combustible materials, other than the explosives themselves, which may have such characteristics. Blasting caps or detonators shall not be transported upon the same vehicle with other explosives, nor shall electric blasting caps be transported upon any vehicle equipped with two-way radio. The foregoing provisions of this section shall be subject to such exceptions as are permitted by the Interstate Commerce Commission loading chart for cargoes of explosives.

Regulation

729.15. Traffic Laws Applicable to Transportation of Explosives. The following provisions shall apply to any vehicle transporting explosives subject to this division:

Speed

(a) No person shall operate any said vehicle transporting explosives in excess of a maximum speed of 45 miles per hour, subject to other and more restrictive limits set forth in this code.

(b) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the State Fire Marshal, drivers shall follow such routes as may be prescribed or established by local authorities.

(c) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings. Any driver who knowingly violates the provisions of this subdivision is guilty of a misdemeanor.

(d) No driver or other person in charge of any such vehicle on any public or private property shall permit any explosive to be loaded into or on or to be unloaded from any motor vehicle with the engine running and whenever any such loading operation is in progress the parking brake on such motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(e) No person shall operate any said vehicle transporting explosives unless the explosives are contained entirely within the body of the vehicle and if such vehicle has a tailboard or tailgate it shall be closed and secured in place during such transportation.

(f) No person shall operate any vehicle transporting explosives unless such vehicle has a closed body or the body thereof is covered with a flame retardant tarpaulin and in either event the driver shall exercise care to protect the load from moisture and sparks.

(g) No person shall operate any said vehicle transporting explosives past any fire of any kind burning on or near the highway until said driver ascertains that such passing can be made with safety.

(h) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. Such vehicle shall be deemed attended whenever a

driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave such vehicle unattended at any place designated as a safe parking place on the maps prepared by the State Fire Marshal unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(i) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

729.16. Application of Other Vehicle Code Provisions. Application
Nothing contained in this division shall be deemed to exempt any vehicle transporting explosives and subject to this division, or the owner or any other person, from other provisions of this code, but all such other provisions relating to the driving and movement of vehicles, the size, weight and equipment thereof, shall be deemed to apply as applicable to each and every vehicle engaged in transporting explosives subject to this division.

CHAPTER 1998

An act to add Section 2204.3 to the Education Code, relating to powers and duties of boards of education.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2204.3 is added to the Education Code, to read:

2204.3. Notwithstanding the provisions of Section 2204.2 of this code and Section 54950 of the Government Code, the governing body of a school district may hold executive sessions to consider the expulsion, suspension, or disciplinary action in connection with any pupil of the school district, if a public hearing upon such question would lead to the giving out of information concerning school pupils which would be in violation of Section 24560 of the Education Code.

Before calling such executive session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the pupil is a minor, notify the pupil and his parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board of the district to call and hold such executive session. Unless the pupil, or his parent, or guardian shall, in writing, within 48 hours after receipt of such written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider such matters may be conducted by the governing board in executive session. If such written

request is served upon the clerk or secretary of the governing board, the meeting shall be public. Whether the matter is considered at an executive session or at a public meeting, the final action of the governing board of the school district shall be taken at a public meeting and the result of such action shall be a public record of the school district.

CHAPTER 1999

An act to repeal Section 10 of, and to add Section 10 to, the Hunters Point Reclamation District Act (Chapter 1573 of the Statutes of 1955), relating to the Hunters Point Reclamation District.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 10 of the Hunters Point Reclamation District Act is repealed.

SEC. 2. Section 10 is added to said act, to read:

Sec. 10. When, if, and as any or all of the 200-foot railway right of way and all street areas in the Hunters Point Reclamation District have been reclaimed or filled, the Legislature hereby finds that the trust for navigation and fishery is hereby relieved as to such portion or portions reclaimed or filled.

The State Lands Commission is hereby authorized to grant to this district, to the City and County of San Francisco, or to any person, persons, or corporations, parcels of land, held by the State of California, within the district, upon payment therefor or there being granted to the State of California all right, title and interest of the district, the City and County of San Francisco, or of such person, persons, or corporations in other parcels of land lying and being in the City and County of San Francisco, except that in no event shall any state-owned lands be granted while they are submerged and except that adequate access shall at all times be retained to the then existing waterfront. Such lands to be conveyed to the State shall be of equal or greater value than lands conveyed by the State. The State Lands Commission shall determine the land to be conveyed by, and granted to, the State of California and the value of lands so respectively conveyed by, and granted to, the State of California, which determination shall be final, and, in the event of a deficiency in value of lands conveyed to the State, the State Lands Commission is authorized to accept cash in lieu of land, for the purpose of equalizing values. Any conveyance or exchange of land shall be valued at substantially the appraised market value of said lands as of December 31, 1957.

CHAPTER 2000

An act providing for the determination of the boundaries of the tide and submerged lands conveyed in trust to the City of Long Beach, and making an appropriation for that purpose.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. The State Lands Commission shall determine the boundaries of the tide and submerged lands conveyed in trust to the City of Long Beach by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935. The commission shall survey, monument, and plat the boundaries of such lands.

The commission may bring any actions necessary to determine such boundaries, and for that purpose may employ special counsel.

The commission shall report to the Legislature not later than February 15, 1958, its progress in carrying out the purposes of this act.

The sum of fifty thousand dollars ($50,000) is appropriated out of the Investment Fund to the State Lands Commission for the purposes of this act.

CHAPTER 2001

An act to add Chapter 5, commencing with Section 66100, to Title 7 of the Government Code, relating to district planning, the financing thereof, the designation of district planning areas, the selection of district planning boards, and the powers and duties thereof.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 5 is added to Title 7 of the Government Code, to read:

CHAPTER 5. DISTRICT PLANNING LAW

Article 1. Declaration of Policy

66100. In enacting this chapter it is the intent of the Legislature to provide a means for solving problems of physical development which are not confined to any single county to the end that city and county planning may be strengthened and the development of the State may proceed in an orderly fashion.

Legislative intent

Article 2. Definitions

"District" 66105. "District" as used in this chapter means a planning district comprising two or more counties.

"Board" 66106. "Board" as used in this chapter means the district planning board.

"District plan" 66107. "District plan" as used in this chapter means a comprehensive, long-term general plan for the physical development of the district. The district plan shall consist of a text and a map or maps and shall include at least the following sections:

(a) A concise statement of the principal findings of fact concerning the district, and a concise statement of the major problems and potentialities of the district.

(b) A statement of the major objectives, principles and standards expressed in the plan, and a summary of major proposals.

(c) Recommendations for the most desirable general arrangement of land use within the district, considered in respect to: trends in economic and population growth and development, and any other studies that may appear relevant to the board.

(d) The transportation system recommended for the district, including all facilities for the transportation of people and goods of district importance or district concern.

(e) Recommendations concerning the need for and proposed general location of district facilities and reservations which by the nature of their function, size, extent or for any other causes appear to the district planning board to be appropriate subjects for inclusion in the district plan.

(f) Recommendations concerning those areas which, in the opinion of the district planning board, should be carefully conserved, or which are so especially suited to some particular use as to render it contrary to the best interests of the district community that they be developed for any other use. Such areas may include, without limiting the generality of the foregoing, areas especially suited for industrial, or agricultural purposes and areas best left in an undeveloped or relatively undeveloped state.

(g) Such other recommendations of the district planning board concerning current or future problems as may in its opinion affect the district as a whole and are proper for inclusion in the district plan.

Article 3. Creation of Planning Districts

Creation 66140. Two or more entire counties may create a planning district as provided in this chapter, upon resolution of the boards of supervisors in each county.

Date 66141. Upon the appointment and qualification of the members of the district board, the district shall begin to transact business and exercise its powers under this chapter.

66142. Each district shall be a body corporate and politic and a public agency of the State. Nature

Article 4. Modification and Dissolution of District

66160. Any county may withdraw from a planning district upon a majority vote of the board of supervisors and a majority of the city selection committee of said county. Intention of a county to withdraw shall be evidenced by a resolution of the board of supervisors and a notice signed by the chairman of the city selection committee. Certified copies of said resolution and notice shall be forwarded without delay to the Secretary of State. Effective date of withdrawal shall be one year after the receipt of the indicated resolution and notice. Withdrawal

66161. If, because of withdrawals of one or more counties from a planning district, only one county remains, the district shall be dissolved. Dissolution

66162. Any county contiguous to a planning district may join said district upon the appointment and certification of two members for the district board as provided in Article 5. Modification

Article 5. City Selection Committees

66180. There shall be a separate and distinct city selection committee for each county in the State. The membership of such committees shall consist of the mayor of each city within such county or, where there is no mayor, the chairman or president of the city council. Committees

66181. A majority of the members of each city selection committee shall constitute a quorum. Quorum

66182. The City and County of San Francisco is both a city and a county for the purpose of this article. San Francisco

66183. The city selection committee of each county may meet, on the call of any mayor or where there is no mayor the chairman or president of the city council, in the chambers of the board of supervisors of such county for the purpose of making the first appointment to the district board as prescribed in Section 66201. The committee of each county shall, so long as the county remains a part of a planning district, thereafter meet at 10 o'clock a.m. in the chambers of the board of supervisors of such county on the second Monday in May of each year that it is necessary to make succeeding appointments to the district board. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the county clerk of such county who shall act as the recording officer for the meeting. It shall be the duty of the county clerk to give an appropriate notice signed by the chairman of the committee to the Secretary of State and to Meetings

the secretary of the district board of each appointment made by the city selection committee.

Chairmen

66184. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

Compensation

66185. Members of the committees 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.

Article 6. Governing Body

Board

66200. The district planning board shall be the governing body of the district and shall be selected as provided in this article.

Members

66201. The number of members of the board to which each county or portion of a county is entitled shall be determined as follows:

(a) If the area to be activated consists of two counties, each county shall have three members of the district planning board. One member shall be appointed by the board of supervisors from its own members, one member shall be appointed by the city selection committee from the members of the city councils in the county, and one member shall be appointed by a majority of the board of supervisors and by a majority of the city selection committee from the members of the city and county legislative bodies.

(b) If the area to be activated consists of three or more counties, each county shall have two members of the district planning board. One member shall be appointed by the board of supervisors from its own members and one member shall be appointed by the city selection committee from the members of the city councils in the county.

Eligibility

66202. The members of the district planning board appointed by the city selection committee shall be mayors or members of the city councils of the cities.

Term

66203. The term of office of each member of the district planning board, except a member appointed jointly by a majority of the board of supervisors and a majority of the city selection committee in any county, shall be four years and until the appointment and qualification of his successor.

Same

66204. The term of office of each member of the district planning board appointed by a majority of the board of supervisors, and a majority of the city selection committee in any county, shall be four years or until such time as a third county joins the district, appoints and qualifies its members, whichever is shorter.

Successors

66205. The power which originally appointed a member whose term has expired shall appoint his successor for a full term of four years except that the term of office of a successor to the member of the board appointed by a majority of the board of supervisors and a majority of the city selection committee shall be as set forth in Section 66204. Any member may

be removed for cause by the power appointing him if notice is given and a hearing is held.

Office holding

66206. No supervisor, mayor, or city councilman shall hold office on the district planning board for a period of more than three months after ceasing to hold the office of supervisor, mayor or city councilman, respectively, and his membership on the board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or city councilman who continues to hold office as a mayor, shall not be considered to have ceased to hold office under this section.

Appointment

66207. Each member of the district planning board appointed by a board of supervisors shall be appointed by a resolution of that board. Each member of the district planning board appointed by a city selection committee shall be appointed by a majority vote of the committee evidenced by a notice signed by the chairman of said committee. Each member of the district planning board appointed jointly by a board of supervisors and a city selection committee shall be appointed by a resolution of the board of supervisors and a majority vote of the city selection committee. Certified copies of all said resolutions and all said notices shall be forwarded without delay to the Secretary of State.

Vacancies

66208. Any vacancy on the district planning board shall be filled for the unexpired term by appointment by the power which originally appointed the member whose position has become vacant.

Dual service

66209. No person while serving as a member of a district planning board shall be eligible to be appointed to any salaried office or employment in the service of the district nor shall he become eligible for such appointment within one year after he has ceased to be a member.

First meeting

66210. Within 30 days after the Secretary of State has received certified copies of the resolutions appointing the city and county members of the district planning board he shall call the first meeting of these members of the board and shall designate an appropriate time within said 30-day period for the meeting, which shall be held in any city in the district as designated by the Secretary of State.

Governing body

66211. The board is the governing body of the district and shall exercise all of the powers of the district, except as otherwise provided.

Quorum

66212. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board.

Officers

66213. The board may elect a chairman and other officers as it deems necessary from among its own members.

Executive committee

66214. The board may appoint an executive committee, consisting of the chairman of the board and as many other members of the board as the board deems appropriate and such executive committee may carry on the administrative and executive functions of the board between full meetings.

Meetings

66215. The board shall meet at least four times in each year and may call additional meetings at its own discretion, or, during periods between meetings, at the discretion of a majority of the executive committee.

Compensation

66216. 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 fifty dollars ($50) for each day attending the meetings of the board, but such compensation shall not exceed one thousand dollars ($1,000) in any one year.

Committees

66217. The provisions for the executive committee set forth in this article shall not be construed to limit the board or the executive committee from setting up any other committees or groups which it may see fit.

Article 7. Powers and Duties

Powers

66240. The district shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district.

(c) To adopt a name and seal and alter them at its pleasure.

(d) To establish and maintain such offices as are judged best to facilitate the accomplishment of the purposes of the district, and to take by grant, purchase, devise, or gift, or to lease or rent, and to hold, use, and enjoy any real or personal property necessary or convenient to the establishment, maintenance or operation of such offices, and to exchange or dispose of such property.

Functions

66241. The district shall perform the following four major functions:

(a) The district shall, as a primary function, prepare, maintain, and regularly review and revise, a district plan and shall, after at least two public hearings in different parts of the district and such other public meetings as may appear to it advisable, adopt such plan as the district plan for the district, and shall, after at least two public hearings and such other public meetings as may appear to it advisable, adopt revisions of such plan from time to time when in the judgment of the board such revisions are necessary in the light of changing conditions. Such plan shall be based on comprehensive studies of the physical, economic, social and governmental conditions of the entire district and related areas, and shall aim at the coordinated physical development of the district in a manner best designed to promote the general welfare and prosperity of its people. In preparing, adopting, maintaining, reviewing and revising the district plan, the board shall take account of and seek to harmonize, within the framework of the needs of the district community as a whole, the master or general plan of cities and counties within the district, and the plans and planning activities of state, federal and other public and private agencies, organizations and instrumentalities within the district and adjacent to it. Before adoption of the district plan

or of any revisions of the plan, the board shall refer the proposed plan or proposed revisions to each city and county government for review, and shall allow a reasonable time for the formulation of recommendations by city and county governments on the proposed district plan and proposed revisions of the plan. In preparing, adopting, maintaining, reviewing and revising the district plan, the board shall actively seek the cooperation and advice of cities and counties, of state and federal agencies, organizations and instrumentalities, of educational institutions and research organizations, whether public or private, and of civic groups and private persons or organizations.

(b) The district, acting in its own judgment, shall make, publish, or assist in making or publishing, studies or investigations of the resources of the district and of existing or emerging problems of any nature related to the physical and economic growth and development, living conditions, of the district, or any part thereof.

(c) The district shall publish, transmit and explain the district plan, district studies, and any other activities of the board to each of the cities and counties within the district, and similarly shall publish, transmit and explain the district plan, district studies, and any other activities of the board, to all relevant state and federal agencies, organizations and instrumentalities, to educational institutions, to relevant civic and citizen groups of all types, and to private citizens who have evidenced interest in the work of the board. In carrying out this function, the board may hold public hearings, prepare printed and visual materials of all sorts, and use any medium of communication judged to be appropriate and effective.

(d) The district shall promote and encourage the growth and development of district understanding and cooperation through sponsorship and participation in public or private meetings for the consideration of district problems, through appropriate publications, or the use of any medium judged to be most appropriate and effective. The district may further, acting in its own judgment, offer its facilities and services to assist in the solution of problems related to physical development involving two or more governing bodies, planning commissions, agencies, organizations or instrumentalities, public or private; and may otherwise participate in any program or activity intended to seek or find common or cooperative solutions to problems related to physical development or the integration of policies related to physical development and conservation within the district, or in any part thereof.

Studies, etc

66242. The district shall from time to time study and review, in the light of changing conditions and the evolving needs of the district: (a) the nature and scope of the district planning function within the area encompassed by the district, and (b) the organization under which the district planning function may be best carried on. The board shall report to the cities and counties within the district, to all relevant state and

federal agencies, organizations and instrumentalities, to relevant civic and citizen groups, and to the State Legislature and the appropriate committees thereof, on ways in which such function or organization may be improved, including, without limiting the generality of the foregoing, proposals concerning the structure of the district, cooperation or combination of the district with other governmental agencies in the district, or other means for the effectuation of the purposes of this chapter.

Contracts

66243. The district shall have power to contract or otherwise participate in, and to accept grants, funds, or services from the Federal Government, its agencies or instrumentalities in connection with any federal program judged by the board to be relevant to its functions; and the board shall similarly have the power to contract or otherwise participate in, and to accept grants, funds, or services from the State, or any agency or instrumentality thereof, or any city, county, civic organization or private person in connection with any program judged by the board to be relevant to its function.

Same

66244. Each district shall have power to contract with any consultant, or to contract for any other types of services judged by the board to be necessary or convenient for carrying out the purposes of the district.

Personnel

66245. Each board, acting with the advice of the director, shall determine the compensation, number, and general duties of personnel employed by the district.

Examinations

66246. Each board may contract with any city or county, any state department or any competent person or agency to conduct competitive examinations for ascertaining the fitness of applicants for employment.

Merit system

66247. Each board may adopt a merit service system for any or all employees of the district, except that the district planning director shall be exempt from such system and shall serve at the pleasure of the board; provided, however, the director shall have, if he so requests, the right to a public hearing prior to any action for his dismissal.

Article 8. The District Planning Director

Salary

66260. Each board may appoint a district planning director who shall receive a salary not less than that of any county or city planning director within the district.

Functions

66261. The district planning director shall be the chief administrative and planning officer and technical advisor of the board. The director shall, subject to the supervision of the board:

(a) Direct and administer the preparation, maintenance, regular review and revision of the district plan, and administer and execute all of the other functions and duties of the district set forth in this chapter.

(b) Appoint and remove personnel of the district, subject to Article 7.

(c) Serve, or designate personnel to serve, as executive secretary to the board.

(d) Serve, or designate personnel to serve, as secretary to the official representatives and technical advisory committees, including reasonable services in respect to the organization, calling of meetings, distribution of reports, and any other activities which such official representatives or technical advisory committees, or any subcommittees thereof, may wish to undertake in the furtherance of their own functions.

(e) Have access, or designate personnel to have access, to information, reports and data which relate to the functions and duties of the district in the possession of departments, agencies, or instrumentalities of the State, or in the possession of departments, agencies or instrumentalities of cities or counties within the district.

(f) Enter upon, or designate personnel to enter upon, at reasonable times and in such manner as to cause no unnecessary injury, any land in order to make examinations and surveys related to the functions of the district.

(g) Perform such other duties and exercise such other powers as the board may delegate to him.

Article 9. Filing of Local Reports

Plans, ordinances, etc

66280. To facilitate effective and harmonious planning and development of the district, all county and city legislative bodies, and all county, city, or other planning agencies within a district shall file with the board, for its information, all county or city master or general plans, the elements of such master or general plans, and any other plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions of any of them, as well as copies of any regular and special reports dealing in whole or in part with planning matters. All agencies, organizations and instrumentalities of the State within the district shall file with the board, for its information, all public plans, maps, reports and other documents which are related to district planning or other activities of the district.

To facilitate further the effective and harmonious planning of a district, the board of any district may request from the Federal Government, its agencies and instrumentalities, and from private organizations, agencies, or individuals, copies of those plans, maps, reports and other documents which are related to district planning or the other activities of the district.

Access

66281. Nothing in this article shall be construed to limit the right of the director to access to information as set forth in subdivision (e) of Section 66261 of this chapter.

Article 10. Coordination of Research

Recommendations re research

66290. The board may make recommendations to county and city legislative bodies, planning commissions, and all other city or county planning agencies within the district, and to

agencies, organizations and instrumentalities of the State and Federal Government (including the State Legislature and appropriate committees thereof), and private organizations, agencies, or individuals within the district, for the coordination of research and the collection of data, the improvement or standardization of procedures, or any other matter which may be of assistance to district planning, the activities of the district, or the activities of the various agencies, organizations, instrumentalities or individuals concerned.

Article 11. Referrals

Proposals re plans

66300. County or city legislative bodies, planning commissions, and all other county or city planning agencies within a district, and agencies, organizations and instrumentalities of the State and Federal Government within the district, and private planning consultants acting within the district, may submit proposals for any master or general plan, the elements of any master or general plan, any other plan, map, report, capital improvement program, proposed bond issue, or any other report or document or amendments or revisions thereto, prior to their adoption, to the district planning board for its advice thereon, which advice the board shall give whenever in its opinion it is reasonably possible for it to do so. Such advice shall consist of a report as to the conformance of such proposals to the district plan, the possible effect of such proposals on other portions of the district, and any other matters which in the judgment of the board may be of assistance to the body requesting such advice.

Article 12. Annual Report

Evaluation re problems and opportunities

66310. In addition to the other reports, studies and documents provided in this chapter, the board shall submit to the legislative bodies and to the planning agencies of all of the counties, cities, and to other governmental agencies, organizations and individuals, public or private, designated by the board, an annual report on or before the first day of March. The annual report shall contain an evaluation of the major problems and opportunities for desirable development facing the district, a report on the status of the district plan, and descriptions of those sections of the district plan which have been amended, revised, added or deleted during the year, and the nature of such amendments, revisions, additions or deletions. The annual report shall also contain summaries of important studies partially or entirely completed by the board during the year, and a brief report of other major activities.

Article 13. Official Representatives

Eligible agencies

66320. Each of the following agencies, organizations and individuals may designate, from among its own members, one

person to be accredited as the official representative of that agency, in matters concerning district planning:

(a) Each county and city planning commission within the district.

(b) Each redevelopment and housing authority or agency within the district.

(c) Any agencies, instrumentalities, or departments which may be designated by the Governor.

(d) Any district or authority, exclusive of school districts, within the district.

(e) One official representative from each county within the district as may be designated by the county superintendent of schools.

(f) Any agencies, instrumentalities or department which may be designated by the President of the United States.

(g) Other public or private agencies and organizations as the board may from time to time designate.

The director shall invite each of such agencies, organizations and individuals to select an official representative, and shall accredit the official representatives chosen.

Copy of reports, etc

66321. Each official representative shall receive a copy of each report issued by the district, a notice of meeting, agenda, and minutes of meeting of every meeting of the board, and any other information or material which the board may wish to issue.

Rights

66322. Each official representative shall have, upon the giving of reasonable notice, and subject to reasonable regulation by the board, the right to request the addition of any matter to the agenda of any regular board meeting, and to present the views of those represented at that time. In addition, any official representative may submit written reports of the views of those represented at any time, which reports shall be filed as part of the official records of the district.

Term

66323. Official representatives shall serve at the discretion of the agency, organization or individual designating them, and the director shall remove accreditation, and give new accreditation, upon the written request of such agency, organization or individual.

Article 14. Technical Advisory Committees

Studies, etc

66340. Each board may appoint, with the advice of the director, from time to time, technical advisory committees of skilled and experienced persons to study various aspects of matters related to the functions and duties of the district and to report to the board.

Membership

66341. Technical advisory committees shall, in each case, be selected to include broadly representative points of view as well as skill and experience in those fields in which they are requested to make studies.

Article 15. Financial Provisions

Indebtedness

66360. Each district may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year. Such indebtedness shall not exceed the total amount of the estimate of the tax income for either the current year or the ensuing year, whichever estimate is selected as the limit by the board.

Budget

66361. Before the fifteenth day of June each year each district board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district according to the relative value of all the property in each county within the district as determined by the board. The total amount of money required by the district for district purposes during any one fiscal year shall not exceed one cent ($0.01) on each one hundred dollars ($100) of the assessed valuation of all the property included in the district.

Apportionment

66362. On or before the fifteenth day of June of each year each board shall inform the boards of supervisors of each county within its district of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

Taxes

66363. Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

Treasury

66364. The treasurers of the several counties within the district shall pay into the district treasury all funds held by them to the credit of the district.

Other requirements

66365. The district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code.

Article 16. Saving Provision

Validation

66380. The failure of any legislative body, commission, agency, organization, instrumentality, individual, or official representative to receive any agenda, notice of meeting, minutes, report, or document or material of any sort provided for in this chapter shall not affect the validity nor impair the lawful effect of any action or activity of any district.

Article 17. Dissolution

66390. The State of California reserves the right to dissolve, combine, alter, modify or amend in any manner the organization and powers of each of the districts established in this chapter, including, without limiting the generality of the foregoing, the association, combination or integration of each district with any other district, agency, body or instrumentality within the district or within any part of the State in a manner which in the judgment of the Legislature may appear best to carry out the purposes of this chapter. State powers

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CHAPTER 2002

An act to add Section 16352 to the Government Code, relating to public works, and making an appropriation therefor.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 16352 is added to the Government Code, to read:

16352. There is hereby appropriated from each special fund in the State Treasury from which an appropriation is available for acquisition of real property or for construction and equipment of state public works projects an amount sufficient to provide for payment of such public work projects for which an appropriation is available where such project cannot be undertaken because the estimate exceeds the amount available or bids received are in excess of the estimate, and upon such augmentation, contracts may be awarded therefor, notwithstanding the provisions of Section 14275.

Allocations may be made for acquisition of real property in augmentation of appropriations made for acquisition of real property and which cannot be acquired because acquisition costs are in excess of the amounts provided in the appropriation.

Allocations may be made for purchase of equipment in augmentation of appropriations made from which purchase of equipment is authorized.

Expenditures shall be pursuant to executive orders of the Director of Finance upon approval of the State Public Works Board.

CHAPTER 2003

An act to add Sections 31304, 31428, and 31429 to the Water Code, relating to county water districts.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 31304 is added to the Water Code, to read:

Temporary negotiable notes

31304. The district may 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, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided further, that the maturity shall not be later than four years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by this certificate; and provided further, that a district which has been formed for less than 18 months may borrow not exceeding twenty-five thousand dollars ($25,000), and no district shall borrow in excess of two hundred fifty thousand dollars ($250,000).

SEC. 2. Section 31428 is added to said code, to read:

Premiums and interest

31428. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal 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 resolution provided for in Section 31391. When the purpose and object has been accomplished any moneys remaining in such improvement fund shall be transferred to the fund to be used for payment of principal and interest on the bonds. When the purpose and object has 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.

SEC. 3. Section 31429 is added to said code, to read:

Impractical or unwise expenditure

31429. When the board determines by resolution that the expenditure of money raised by the sale of bonds for the purpose for which the bonds were voted is impractical or unwise, it may call a special election to obtain the consent of the electors to use the money for some other specified district purpose.

The election procedure shall be the same as when the bond proposition was originally submitted.

CHAPTER 2004

An act to add Section 987.14 to the Military and Veterans Code, relating to veterans farm and home purchases.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 987.14 is added to the Military and Veterans Code, to read:

987.14. The right to declare a forfeiture for breach of a condition contained in any deed to real property may not be enforced as against the interest of the deparement in said real property or any portion thereof.

CHAPTER 2005

An act to add Section 69505 to the Government Code, relating to expenses of judges of the superior court.

[Approved by Governor July 8, 1957 Filed with Secretary of State July 10, 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, judges of the superior court 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.

CHAPTER 2006

An act to add Section 6301.6 to the Public Resources Code, relating to impounded funds involving revenues from tide and submerged lands.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957]

In effect September 11, 1957

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

SECTION 1. Section 6301.6 is added to the Public Resources Code, to read:

6301.6. If any funds are impounded pursuant to Section 6301.5 under the custody and control of the State of California, such impounded funds may be invested and reinvested by the

Director of Finance in bonds or other obligations of the United States. Such securities may be sold or exchanged by the Director of Finance if, in his opinion, such sale or exchange is in the best interests of the State, and shall be sold by him whenever, and to the extent, necessary to effect any required transfer or other disposition of the impounded funds.

Securities purchased or otherwise acquired under the authority of this section shall be deposited and held in the custody and safekeeping of the State Treasurer, in the name of the account in the fund from which the investments were made.

Interest earned or other increment derived from investments made pursuant to this section shall, on order of the State Controller, be deposited in the fund from which the investments were made to the credit of the account covering the impounded funds, in augmentation of such impounded funds.

CHAPTER 2007

An act to amend Section 69593 of the Government Code, relating to judges.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be eight judges of the superior court.

CHAPTER 2008

An act to amend Section 69580 of the Government Code, relating to superior court judges in Alameda County.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 69580 of the Government Code is amended to read:

69580. In the County of Alameda there shall be 16 judges of the superior court.

CHAPTER 2009

An act making an appropriation to the Department of Public Works, for investigations and studies regarding landslides affecting Highway 101.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. The sum of three hundred thousand dollars ($300,000) is appropriated from the State Beach Fund, to the Department of Public Works, for expenditure in conducting, or directing through consultants investigations and studies, in conjunction with the City of Los Angeles, the City of Santa Monica, and Los Angeles County, regarding the control and correction of the landslides which have occurred at various times along Highway 101 in, and north of, the City of Santa Monica, and to make recommendations thereon.

CHAPTER 2010

An act to amend Sections 14449.2 and 14452 of, and to add Section 14631.3 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14631.3 is added to the Education Code, to read:

14631.3. Retirement allowances payable for time commencing on October 1, 1957, are hereby increased to the amount they would be if the provisions of Sections 14449.2 and 14452 as they exist on that date had been in effect on July 1, 1956. Retirement allowances

This section does not give any retired person, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to October 1, 1957.

SEC. 2. Section 14449.2 of said code is amended to read:

14449.2. The member shall receive credit for time served in teaching positions in schools supported and administered by the United States Government in this State. Time credit

A member shall also receive credit for time served as a physiotherapist during World War I in the Medical Department of the United States Army; provided, he was employed in a position requisite for membership in this system within one year prior to entering such service.

SEC. 3. Section 14452 of said code is amended to read:

Same. Outside State

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

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

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

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

A member shall also receive credit for time served as a physiotherapist during World War I in the Medical Department of the United States Army; provided, he was employed in a position requisite for membership in this system within one year prior to entering such service.

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

Operative date

SEC. 4. This act shall become operative on October 1, 1957.

CHAPTER 2011

An act to amend Section 739 of the Vehicle Code, relating to arrests.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 739 of the Vehicle Code is amended to read:

Notice to appear

739. When Person Arrested to Be Given Notice to Appear. (a) Whenever a person is arrested for any violation of this code, not declared herein to be a felony, or for a violation of an ordinance of a city, county, or city and county, relating to traffic offenses, and such person is not immediately taken before a magistrate as hereinbefore required or permitted, the

arresting officer shall prepare in triplicate a written notice to appear in court or before a person authorized to receive a deposit of bail, containing the name and address of such person, the license number of his vehicle, if any, the offense charged and the time and place when and where such person shall appear.

(b) The time specified in said notice to appear must be at least 10 days after such arrest.

(c) The place specified in said notice to appear shall be either:

(1) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where said arrest is made; or

(2) Upon demand of the person arrested, before a municipal court judge or other magistrate having jurisdiction of such offense at the county seat of the county in which such offense is alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(3) Before a person authorized to receive a deposit of bail. The clerk and deputy clerks of the municipal and justice's courts are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of said courts.

(d) Said officer shall deliver one copy of said notice to appear to the arrested person and said arrested person in order to secure release must give his written promise so to appear in court or before a person authorized to receive a deposit of bail by signing two copies of the notice which shall be retained by said officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) Said officer shall, as soon as practicable, file a copy of the notice with the magistrate or judge or before a person authorized by said magistrate or judge to receive a deposit of bail specified therein. If bail has not been previously fixed and approved by the judges of the court in accordance with a schedule of bail, 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 endorse upon said notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear, deposit with the magistrate or the person authorized to receive a deposit of bail the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the city or county treasury, as the case may be.

(f) One copy of the notice shall be filed with the commissioner, chief of police, sheriff or other superior officer of the arresting officer.

(g) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court or before a person authorized to receive a deposit of bail, 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.

CHAPTER 2012

An act to provide for the sale and conveyance by the State Lands Commission of a certain island at the confluence of the Sacramento and San Joaquin Rivers lying in the County of Sacramento, State of California.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. The State Lands Commission may sell and dispose of, upon such conditions as to price and terms of sale as it may deem to be most advantageous to the State, all of the right, title and interest of the State of California and the people thereof, in and to that portion of land lying within the County of Sacramento, State of California, at the confluence of the Sacramento and San Joaquin Rivers and known as "Chain Island," and more particularly described in the field notes of a survey thereof made by J. C. Boyd, Sacramento County Surveyor, on April 10, 1902, containing 53 60 acres, on file in the Sacramento County Engineer's Office.

SEC. 2. The State Lands Commission, upon determination of the value and conditions of sale of the island, shall offer the island for sale, for cash, to the highest bidder; provided, that no bid which is less than the sum determined by the commission to be the value of the island shall be accepted; and provided further, that the commission may reject any and all bids. Before such sale, notice thereof shall be published pursuant to Government Code Section 6064 in a newspaper of general circulation published in the County of Sacramento. The notice shall be sufficient for all purposes of such sale if it contains a description of the island sufficient to identify it.

SEC. 3. Any sale and conveyance of the island shall be made subject to any lease of said property outstanding at the time of sale.

SEC. 4. Any sale and conveyance of the island shall reserve to the State of California all oil, gas, and all other mineral deposits in such land.

SEC. 5. Any deed or other conveyance as may be necessary to pass title to the purchaser of the island shall, upon notice from the State Lands Commission that the full payment of the purchase price has been made, be in the name and by the authority of the people of the State of California, and shall be signed by the Governor, countersigned by the Secretary of State, sealed with the Great Seal of the State, and delivered to the person entitled thereto.

CHAPTER 2013

An act to amend Section 602 of the Penal Code, relating to trespasses.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 602 of the Penal Code is amended to read:

602. Every person who wilfully commits any trespass by either: Enumeration of trespasses

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

(b) Carrying away any kind of wood or timber lying on such lands;

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone;

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the State, or to any city, county, city and county, town or village, or upon any property of any person, by the State or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other

matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the State, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

(h) Wilfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession; or

(k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands, for the purpose of hunting, shooting, killing, or destroying any animal, or bird on such lands without having first obtained written permission from the owner of such lands, or his agent, or the person in lawful possession thereof;

(*l*) Entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof;

(m) Entering upon any lands declared closed to entry as provided in Section 4126.5 of the Public Resources

Code; provided, such closed areas shall have been posted with notices declaring such closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands;

(n) Entering any privately owned lands described in paragraph (k) without the written permission of the owner of such land, his agent or of the person in lawful possession, and

(1) Discharging any firearm, or

(2) Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such lands, or

(3) Tearing down, mutilating or destroying any sign, signboard or notice forbidding entry on such lands, or

(4) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into such lands;

is guilty of a misdemeanor.

CHAPTER 2014

An act to add Section 14633.3 to the Education Code, relating to the State Teachers' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. Section 14633.3 is added to the Education Code, to read:

14633.3. The amount of the monthly retirement allowance payable for time after January 31, 1957, from this system shall not be reduced below the amount payable under this system on said date because of any increase in allowances under a local retirement system of a city and county which became effective on February 1, 1957.

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 preserve the rights of members of the State Teachers' Retirement System to the benefits provided thereby which may be affected by a change in allowances provided by a local retirement system, effective on February 1, 1957, it is necessary that this act take effect immediately.

CHAPTER 2015

An act to add Section 268 to the Revenue and Taxation Code, relating to the welfare exemption.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 268 is added to the Revenue and Taxation Code, to read:

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955 or 1956 on property 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.

CHAPTER 2016

An act to amend Section 69582 of the Government Code, relating to superior courts.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 69582 of the Government Code is amended to read:

69582. In the County of Contra Costa there shall be six judges of the superior court

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CHAPTER 2017

An act to add Section 1293.5 to the Fish and Game Code, and add Section 4187 to the Fish and Game Code, as proposed by Assembly Bill No. 616, relating to damage to property by mammals and the taking of such mammals under special permit.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1293.5 is added to the Fish and Game Code, to read:

1293.5. When a landowner or tenant applies for a permit under Section 1293, the commission, in lieu of such a permit, may, with the consent of or upon the request of the landowner or tenant, under appropriate rules and 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 1286, 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. Deer licenses

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 1293.5 of the Fish and Game Code adopted in 1933 is repealed. Effect Stats 1957, Ch 456

CHAPTER 2018

An act to add Section 2160.9 to and to amend Section 3049 of, the Welfare and Institutions Code, relating to old age security and aid to needy blind.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2160.9 is added to the Welfare and Institutions Code, to read:

Income computation

2160.9. Notwithstanding any other provision of this chapter, free board, lodging and other items of need furnished free to a recipient of aid under this chapter shall constitute income to the recipient in computing the grant of assistance provided for in this chapter. However, such free items shall not be evaluated at an amount higher than specified for such items in the assistance standard established by the State Social Welfare Board. This section shall not apply to medical services provided pursuant to Chapter 1 of Part 3 of Division 5 of this code.

SEC. 2. Section 3049 of said code is amended to read:

Free board and lodging

3049. Free board and lodging supplied to an applicant because of his necessity therefor, prior to receipt of aid under this chapter shall not be grounds for refusing aid; notwithstanding any other provisions of this chapter, free board and lodging and other items of need furnished free under this chapter shall constitute income to the recipient in computing the grant pursuant to Section 3084. However, such free items shall not be evaluated at an amount higher than specified for such items in the assistance standard established by the State Social Welfare Board. This section shall not apply to medical services provided pursuant to Chapter 1 of Part 3 of Division 5 of this code.

CHAPTER 2019

An act to add Sections 2399, 2401, and 5082 to, and to repeal Section 2401 of, the Penal Code, relating to state prisons and correctional institutions.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 2399 is added to the Penal Code, to read:

"Adult Authority"

2399. "Adult Authority," as used in this article, refers to the Department of Corrections.

SEC. 2. Section 2401 is added to said code, to read:

State Civil Service System

2401. All officers and employees of the division shall be selected and appointed by the department pursuant to the State Civil Service Act. The status, positions, and rights of the officers and employees of the division who, prior to the effective date of this section, were included in the State Civil Service System shall not be affected by the enactment of Section 2399 or this section at the 1957 Regular Session, and their status, positions, and rights shall continue to be retained by them pursuant to the State Civil Service Act.

SEC. 3. Section 5082 is added to said code, to read:

Employees

5082. (a) Such employees of the Adult Authority as are needed to carry out its functions shall be selected and appointed pursuant to the State Civil Service Act.

(b) Chapter 6 of Title 7, Part 3, relating to the employment of personnel by the department, does not apply to the Division of Adult Paroles or to the employees of the Adult Authority.

SEC. 4. Section 2401 of said code is repealed. Repeal

CHAPTER 2020

An act to add Sections 10036 and 10037 to the Health and Safety Code, relating to vital statistics.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 10036 is added to the Health and Safety Code, to read:

10036. Notwithstanding any other provisions of law relating to retention of public records, the State Registrar may deposit in the archives and central records depository maintained by the Office of the Secretary of State the original records of birth, death and marriage filed under the provisions of this division; provided, that: Deposit of records

(a) A microfilm copy of such birth, death and marriage records has been made;

(b) Fifteen years shall have elapsed since the date of registration of such birth records and five years shall have elapsed since the date of registration of such death and marriage records;

(c) Any microfilm so used meets the minimum standards recommended by the National Bureau of Standards for permanent record purposes;

(d) Adequate provisions are made that the film reflect additions or corrections to the records;

(e) A copy of the microfilm is maintained in such a manner that it can be used for all purposes served by the original record.

(f) A copy of the microfilm has been stored at a separate physical location in such a place and manner as reasonably to assure its preservation indefinitely against loss or destruction.

SEC. 2. Section 10037 is added to said code, to read:

10037. Any certified photographic reproduction of any record microfilmed under the provisions of this chapter shall be deemed to be a certification of the original record. Photographs

CHAPTER 2021

An act to amend Section 12 of the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911) and to add Section 24001.5 to the Government Code, relating to municipal water districts and to directors thereof serving simultaneously as directors of other districts.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 12 of the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911) is amended to read:

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;

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

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 issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) 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 negotiable promissory 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 may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not otherwise exceed the

lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 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 with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the municipal water district incurs an indebtedness or liability exceeding in any year the income and revenue for such year 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.

16. To issue bonds under Section 15 of this act for the purpose of providing money required to be paid to any district organized under the Metropolitan Water District Act or the County Water Authority Act by the board of directors of such district as all or part of the terms and conditions upon which the corporate area of a municipal water district may be

annexed to and become a part of said metropolitan water district or county water authority. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

17. To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act.

18. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed by a municipal water district under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the municipal water district. In the application of said Improvement Act of 1911 to proceedings instituted by a municipal water district, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of a municipal water district.

(b) "Municipality" and "city" shall mean a municipal water district.

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

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean any person appointed by the board of directors to perform such duties.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the person or officer who has charge of and makes payment of the funds of the district.

(g) "Mayor" shall mean the president of the board of directors of a municipal water district.

(h) "Right of way" shall mean any parcel of land in, on, under or through which a right of way or easement has been granted to the district for the purpose of constructing and maintaining any works or improvements of municipal water districts.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the municipal water district.

SEC. 2. Section 24001.5 is added to the Government Code, to read:

Incompatibility

24001.5. The office of director of a mutual water district or irrigation district, shall not be deemed to be incompatible with the office of director of a district formed under the Community Services District Law (commencing at Section 61000 of the Government Code).

CHAPTER 2022

An act to add Section 1254.7 to the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957]

In effect September 11, 1957

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

SECTION 1. Section 1254.7 is added to the Code of Civil Procedure, to read:

Withdrawal of security

1254.7. At any time after money has been deposited as security as provided in Section 14 of Article I of the Constitution for the condemnation of any property or interest in property for state highway purposes, upon application, in the manner hereinafter provided, of the party whose property or interest in property is being taken, the court may order from the money deposited in connection with such property or interest an amount not exceeding 75 percent of the amount originally deposited for the respective property or interest to be paid to such party. Such application shall be made by affidavit wherein the applicant shall set forth his interest in the property and request withdrawal of a stated amount. The applicant shall serve a copy of the application on the plaintiff and no withdrawal shall be made until at least twenty (20) days after such service of the application, or until the time for all objections has expired, whichever is later. Within said twenty (20) days, the plaintiff may object to such withdrawal by filing an objection thereof in court on the grounds that other persons are known or believed to have interests in the property. In this event the plaintiff shall attempt to personally serve on such other persons a notice to such persons that they may appear within ten (10) days after such service and object to such withdrawal, and that failure to appear will result in the waiver of any right to such amount withdrawn or further rights against the plaintiff to the extent of the sum withdrawn. The plaintiff shall state in its objection the names and last known addresses of other persons known or believed to have an interest in the property, whether or not it has been able to serve them with such notice and the date of such service. If the plaintiff in its objection reports to the court that it is unable to personally serve persons known or believed to have interests in the property within said twenty (20) day period, said money shall not be withdrawn until the applicant causes such personal service to be made. If such persons so served appear and object to the withdrawal, or if the plaintiff so requests, the court shall thereupon hold a hearing after notice thereof to all parties and shall determine the amounts to be withdrawn, if any, and by whom, to a total amount not exceeding 75 percent of the amount deposited. No persons so served shall have any claim against the plaintiff for compensation for the value of the property

taken or severance damages thereto, or otherwise, to the extent of the amount withdrawn by all parties; provided, the plaintiff shall remain liable for said compensation to persons having an interest of record who are not so served. If withdrawn, the receipt of any such money shall constitute a waiver by operation of law to all defenses in favor of the person receiving such payment except with respect to the ascertainment of the value of the property or interest in the manner provided by law, and title to the property or interest as to which money is received pursuant to this section shall vest in the State as of the time of such payment. Any amount so paid to any party shall be credited upon any judgment providing for payment and shall be considered payment upon the judgment as of the date the withdrawal is made so that no interest shall be payable upon the amount so withdrawn after the date of its withdrawal. Any amount withdrawn by any party in excess of the amount to which he is entitled as finally determined in the condemnation proceeding shall be returned to the party who deposited it, and the court in which the condemnation proceeding is pending shall enter judgment therefor against the defendant.

CHAPTER 2023

An act to amend Sections 74302 and 74303 of, and to add Section 74305 to, the Government Code, relating to the municipal court in the Cities of San Carlos and Redwood City.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

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

Clerk

74302. There shall be one clerk who shall receive an annual salary of seven thousand six hundred twenty dollars ($7,620).

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

74303. The clerk may appoint:

Deputies

(a) One chief deputy clerk who shall receive a salary of three hundred ninety-two dollars ($392) a month and annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of four hundred ninety-one dollars ($491) a month.

(b) Two deputy clerks, Class II, each of whom shall receive a salary of two hundred ninety-seven dollars ($297) a month and annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of three hundred seventy-one dollars ($371) a month.

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

SEC. 3. Section 74305 is added to said code, to read:

Equalization of compensation

74305. 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 Mateo, 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 general session of the Legislature.

CHAPTER 2024

An act to amend Section 12596 of the Government Code, relating to state supervision and enforcement of charitable trusts and similar relationships, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect immediately

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

SECTION 1. Section 12596 of the Government Code is amended to read:

12596. This article shall remain in force until July 1, 1959 and on and after that date shall have no force or 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:

Tremendous sums of money are given each year for charitable purposes. A considerable amount of these funds will be diverted or wasted unless these provisions of the Uniform Supervision of Trustees for Charitable Purposes Act are continued.

The proper supervision of the administration of charitable trusts lends encouragement to donors to create trusts to benefit the people of California.

Unless this measure is to have immediate effect, the Uniform Supervision of Trustees for Charitable Purposes Act will terminate with the possible loss of funds intended to preserve the health, safety, and welfare of the people of California.

CHAPTER 2025

An act to add Section 6030 to the Penal Code and to amend Section 29602 of the Government Code, relating to standards for and support of jail programs.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 6030 is added to the Penal Code, to read:

Standards of rehabilitation

6030. The Board of Corrections may promulgate standards of rehabilitative services in the fields of training, employment, recreation, and prerelease activities in jails and other county and local adult detention facilities.

SEC. 2. Section 29602 of the Government Code is amended to read:

Expenses as county charge

29602. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed to the county jail and the maintenance therein and in other county adult detention facilities of a program of rehabilitative services in the fields of training, employment, recreation, and prerelease activities, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law are county charges.

CHAPTER 2026

An act to amend Section 5699 of the Elections Code and to add Section 1805 to the Education Code, relating to elections.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 5699 of the Elections Code is amended to read:

Voting time

5699. If a registered voter does not have sufficient time outside of his working hours within which to vote at any general, direct primary or presidential primary election, he may, without loss of pay, take off so much working time as will, when added to his voting time outside his working hours, enable him to vote.

An employee may take off so much time as will enable him to vote, but not more than two hours of which shall be without loss of pay; provided, that he shall be allowed time off for voting only at the beginning or end of his regular working shift, whichever allows him the most free time for voting and the least time off from his regular working shift, unless otherwise mutually agreed.

If the employee on the third working day prior to the day of the election, knows or has reason to believe, that he will need time off to enable him to vote on election day, he shall give his employer at least two working days' notice that he desires time off in accordance with the provisions of this section.

SEC. 2. Section 1805 is added to the Education Code, to read:

1805. The provisions of Division 10 (commencing at Section 8500) of the Elections Code, relating to election contests shall apply to school board member elections. School board elections

CHAPTER 2027

An act making an appropriation in augmentation of the appropriation in Item 208 of the Budget Act of 1956 for support of the State Water Rights Board, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. The sum of one hundred twenty-one thousand five hundred dollars ($121,500) is hereby appropriated out of the General Fund in augmentation of Item 208 of the Budget Act of 1956 for support of the State Water Rights Board.

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 2028

An act to add Section 1418.5 to the Health and Safety Code, relating to the regulation of nursing and rest homes.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1418.5 is added to the Health and Safety Code, to read:

1418.5. The director may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home of the provisions of this chapter

or of any of the regulations promulgated under this chapter for nursing and convalescent homes, in a case where the State Department of Public Health has instituted proceedings against the nursing and convalescent home for revocation or suspension of its license, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of the complaint in such action, the director shall serve the licensee with a written notice specifying each deficiency in the licensed nursing and convalescent home and of the violation, threatened violation, or continued violation by such home of this chapter or any of the regulations promulgated under this chapter. No restraining order or injunction, either temporary or permament, shall be granted by the court which would cause a licensed nursing and convalescent home to cease operations or which would seriously impede the continued operation of the nursing and convalescent home, unless the operator thereof has been accorded a prior judicial hearing with respect to whether or not such restraining order or injunction shall issue.

CHAPTER 2029

An act to add Sections 4052.1, 4052.2, 4052.3, 4052.4, and 4052.5, to the Business and Professions Code, relating to pharmacy.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 4052.1 is added to the Business and Professions Code, to read:

Purchase of drugs

4052.1. Notwithstanding anything contained in this chapter, a licensed or county hospital as defined in Section 4047 which contains 100 beds or less and which does not employ full time a registered pharmacist may purchase drugs at wholesale for administration, under the direction of a physician, to patients registered in the hospital or to emergency cases under treatment in the hospital. The hospital shall keep records of the kind and amounts of drugs so purchased and administered, and such records shall be available for inspection by all properly authorized personnel of the Board of Pharmacy. Hypnotic drugs, as defined in subdivision (a) of Section 4211, shall be purchased only on purchase order forms as provided in Section 4224 and a separate record shall be kept of the ad-

ministration of such hypnotic drugs including the amount given, the type, the date given, and the name and address of the person to whom administered.

SEC. 2. Section 4052.2 is added to said code, to read:

Permit

4052.2. No hospital shall be entitled to the benefits of Section 4052.1 until it has obtained a permit from the board. Each permit shall be issued to a specific hospital and for a specific location.

SEC. 3. Section 4052.3 is added to said code, to read:

Application, etc

4052.3. Each application for a permit under Section 4052.2 shall be made on a form furnished by the board. Upon the filing of such application and payment of the fee prescribed in subdivision (a) of Section 4416, the executive secretary of the board shall issue a permit authorizing the hospital to which it is issued to purchase drugs at wholesale pursuant to Section 4052.1. The permit shall be renewed annually on or before November 1st of each year upon payment of the renewal fee prescribed in subdivision (b) of Section 4416 and shall not be transferable.

SEC. 4. Section 4052.4 is added to said code, to read:

Form

4052.4. The form of application for a permit under Section 4052.2 shall contain the name and address of the applicant, the number of beds, whether the applicant is a licensed or county hospital as defined in this code, whether it does or does not employ a full-time registered pharmacist, the name of its chief medical officer and the name of its administrator.

SEC. 5. Section 4052.5 is added to said code, to read:

Revocation or suspension

4052.5. The board may revoke or suspend a permit issued under Section 4052.2 in the manner and for the grounds specified in Article 11, commencing with Section 4350, of this chapter.

CHAPTER 2030

An act to add Sections 70050.5 and 70059.5 to, the Government Code, relating to superior courts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 70050.5 is added to the Government Code, to read:

Phonographic reporters

70050.5. In each county with a population of 750,000 and under 4,000,000, the annual salary of the regular official phonographic reporters shall be nine thousand six hundred dollars ($9,600), and the compensation of official phonographic reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day, or any fractional part thereof.

SEC. 2. Section 70059.5 is added to said code, to read:

Fees of parties

70059.5. In a county with a population of 750,000 and under 4,000,000, the fee required by Section 70053 shall be eight dollars and fifty cents ($8.50).

CHAPTER 2031

An act to add Section 5153.6 to, and Article 14.8 (commencing at Section 7108) to Chapter 15 of Division 3 of the Education Code, relating to apportionments to school districts in areas affected by state construction projects, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 5153.6 is added to the Education Code, to read:

Appropriation

5153.6. In addition there shall be provided such amount as the Superintendent of Public Instruction shall certify as necessary to provide the allowances to school districts during each fiscal year under the provisions of Article 14.8 of Chapter 15 of this division. Such amount is hereby appropriated from the Investment Fund in the State Treasury and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

SEC. 2. Article 14.8 is added to Chapter 15 of Division 3 of said code, to read:

Article 14.8. Special Allowances for Project-connected Pupils

Computation of allowance

7108. The Superintendent of Public Instruction shall allow to each eligible district for each unit of average daily attendance in the regular full-time day schools of district during the preceding fiscal year of project-connected pupils, as project-connected pupils are defined in this article, an amount equal to the product of the assessed valuation multiplied by the general fund tax rate of the district during the preceding fiscal year, exclusive of taxes levied pursuant to Sections 1599.1, 5063, and 7736, divided by the average daily attendance of the district, exclusive of the average daily attendance of project-connected pupils, reduced by the difference between the amount of basic state aid and equalization aid per unit of average daily attendance apportioned to the district pursuant to Section 7121 during the current fiscal year and the amount per unit of average daily attendance that would have been apportioned had the computations been made after the exclusion of average daily attendance of project-connected pupils from the average daily attendance of the district.

Definition

7108.1. A project-connected pupil, as used in this article, means a child of a parent, guardian, or other person standing in loco parentis who has enrolled in the regular full-time day schools of the district subsequent to the commencement of a

project, and: (a) whose parent or guardian is employed by a contractor or subcontractor in connection with the project, or by the State of California whose work is in connection with the project; or (b) whose parent or guardian is employed in the school district or in a contiguous school district and such child is in addition to the number of children who would otherwise normally be expected to be in the district, as approved by the Superintendent of Public Instruction in accordance with regulations that he is herewith authorized to adopt. The records identifying, and accounting for the attendance of project-connected children shall be prescribed by the Superintendent of Public Instruction.

Computation of average daily attendance

7108.2. The units of average daily attendance of project-connected pupils, as defined in subdivision (a) of Section 7108.1, for a fiscal year shall be computed by dividing the total number of days of attendance of such pupils by the number of days school was actually taught in the regular day schools of the district during the fiscal year. The units of average daily attendance of project-connected pupils, as defined in subdivision (b) of Section 7108.1, for a fiscal year shall be computed by dividing the total number of days of attendance of such pupils by the number of days school was actually taught in the regular day schools of the district during the fiscal year and by multiplying the quotient by 55 percent. Section 6902 shall apply only to the total number of units of average daily attendance computed pursuant to this section.

Eligible districts

7108.3. A district shall be eligible for an allowance under Section 7108 if the average daily attendance of project-connected pupils is at least 10 and is at least 3 percent of the total average daily attendance in the district during the preceding fiscal year.

"Project"

7108.4. As used in this article the term "project" means any major, localized, undertaking by or under the jurisdiction of the State Department of Water Resources which has a duration, estimated by the Director of the Department of Water Resources, of more than three years.

Attendance

7108.5. For the purposes of this article, pupils in grades 7 and 8 attending a junior high school maintained by a high school district shall be deemed to be in attendance in the schools of the elementary district of residence.

Apportionment

7108.6. Amounts allowed pursuant to this article shall be apportioned by the Superintendent of Public Instruction at the same time and as a part of the Special Purpose Apportionment made under the provisions of Section 7122.

CHAPTER 2032

An act to amend Section 1351 of and to add Section 1352 to the Insurance Code, relating to certificates of authority for reciprocal insurers.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1351 of the Insurance Code is amended to read:

Duration and revocation of certificate of authority

1351. Subject to the annual fee provisions of Section 1352, every certificate of authority shall be for an indefinite term and shall expire upon the dissolution of the reciprocal or interinsurance exchange. Notwithstanding the provisions of this section, whenever the commissioner shall determine, after notice and hearing, that any exchange for which such certificate has been issued has not maintained the required standard of solvency or has not paid all fees and taxes required, he may order that such exchange comply with the said requirements within 30 days of such determination. If the exchange fails to comply within such period, the certificate of authority may then be revoked, unless the commissioner's order is stayed by a court of appropriate jurisdiction.

SEC. 2. Section 1352 is added to said code, to read:

Application fees

1352. The commissioner shall require the payment of ten dollars ($10) in advance as a fee for filing an application for each amendment of a certificate of authority. Notwithstanding the provisions of Section 1351, each attorney-in-fact possessing a certificate of authority of indefinite term pursuant to such section shall pay an annual fee of ten dollars ($10) in advance on account of such certificate until its final expiration. Such fee shall be for annual periods commencing on July 1, 1958 and on July 1st of each year thereafter and end 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.

CHAPTER 2033

An act to amend Sections 970 and 972 of, and to add Sections 977 and 978 to, the Insurance Code, relating to bond for payment of taxes.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 970 of the Insurance Code is amended to read:

970. Except as provided in Sections 973 and 977, the commissioner shall require every insurer as a condition precedent to transacting insurance business in this State, to have on file in his office a bond in favor of the people of the State of California, approved by the commissioner and currently effective to cover the accruing liabilities of the insurer. Tax bond

The penal sum of such bond shall be twenty thousand dollars ($20,000) except in cases where the insurer has transacted insurance business in this State for two years or more and the total amount of state taxes assessed and levied against the insurer during the preceding calendar year was less than ten thousand dollars ($10,000). In such cases the penal sum shall be two thousand dollars ($2,000) plus any amount needed to make such sum equal to at least twice the total amount of such taxes.

SEC. 2. Section 972 of the Insurance Code is amended to read:

972. Bonds shall be filed annually covering the period from July 1st to July 1st of the ensuing year; provided, if a bond is filed in a penal sum of twenty thousand dollars ($20,000), it may be made applicable to whatever period is covered by the insurer's certificate of authority or if such certificate be renewable annually to the current period and to all periods covered by renewals thereof; and provided further, if a bond is filed in a penal sum of less than twenty thousand dollars ($20,000), it may be made applicable alike to whatever period is covered by the insurer's certificate of authority or if such certificate be renewable annually to the current period and to periods covered by the renewals thereof if in either case both the principal and the sureties thereon, by endorsement, increase or decrease the penalty therein to annually make such bonds conformable to the requirements of this article. A fee shall not be required for filing such endorsement. In all other respects the bond shall be subject to the rules governing official bonds. Amount of tax bond

SEC. 3. The amendments to Sections 970 and 972 made by this act (excepting only the reference to Section 977 in Section 970 and Section 978) are not intended to change existing law but are intended to be declaratory thereof to accommodate the article containing such sections to the provisions of Section 701 as amended and Section 705 as added by Statutes of 1955, Chapter 1037 and the repeal of Section 702 by the same statute. Declaratory of existing law

SEC. 4. Section 977 is added to the Insurance Code, to read:

977. This article (Sections 970 to 976 and Section 978) except as provided in this section shall not apply to any insurer which: Exceptions

(a) Has for at least the seven years immediately preceding continuously held a certificate of authority (the evidences thereof that is: annual, amended for changes in class or otherwise, or continuous term shall not break continuousness provided none have been suspended, limited, refused or delayed in issuance for cause).

(b) Has for at least the three years immediately preceding December 31st of the preceding year continuously been possessed of surplus (aggregate of capital and surplus or surplus alone in the case of an insurer without capital stock) exceeding minimum surplus and capital required by California law for all classes of insurance written by it anywhere by at least one million dollars ($1,000,000). Existence or nonexistence of such surplus shall be determined from the annual statement filed with the commissioner for the period involved or as the same may have been amended by the insurer or corrected by the commissioner following analysis or by the commissioner's examination or association examination.

Provided, however, that irrespective of the foregoing the commissioner may in his discretion by writing order that this article apply to a specified insurer if at any time during such three-year period:

(1) Any of the conditions or acts specified in Section 1011 have existed in respect to such insurer, or

(2) Such insurer has been required or has agreed to dispose of any of its assets because of Section 1202 or to return any of its assets to California because of Section 1104.1, or

(3) Such insurer has during any one such year suffered statutory statement losses equal to or greater than 10 percent of its policyholders' surplus at the beginning of such year, or

(4) Such insurer is deemed by the commissioner for other sufficient cause to be in such condition as to require filing of such bond for the protection of the people of the State of California.

SEC. 5. Section 978 is added to the Insurance Code, to read:

Applicability

978. This article shall specifically apply to reciprocals and interinsurance exchanges on the same basis that it is applicable to all other insurers not otherwise exempted therefrom. In such case the bond shall be executed by the attorney-in-fact on behalf of the reciprocal or interinsurance exchange as principal and also by the attorney-in-fact as co-principal.

CHAPTER 2034

An act to amend Sections 55, 76, 1646, 1699, 2666, and 6407 of, and to add Section 2655.1 to, the Labor Code, relating to regulations of state agencies.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 2655.1 is added to the Labor Code, to read:

Adoption of order to discontinue

2655.1. Any order adopted pursuant to Section 2654 shall be adopted pursuant to the provisions of Chapter 4, Part 1,

Division 3, Title 2 of the Government Code, except as modified by this part.

SEC. 2. Section 2666 of said code is amended to read:

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 investigations 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. The division may make, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to carry out the provisions of this part The violation of any such rule or regulation shall be deemed a violation of this part. Enforcement

SEC. 3. Section 6407 of the Labor Code is amended to read:

6407. Every employer, insurer and physician or surgeon who attends any injured employee shall file with the Division of Labor Statistics and Research a complete report of every injury to each employee arising out of or in the course of his employment unless disability resulting from such injury does not last through the day or does not require medical service other than ordinary first aid treatment. The Division of Labor Statistics and Research may, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, adopt reasonable rules and regulations prescribing the detail and time limits of such report. Report of injury

SEC. 4. Section 1646 of the Labor Code is amended to read:

1646. The Labor Commissioner may, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, adopt, amend, and repeal such rules and regulations as are reasonably necessary for the purpose of enforcing and administering this chapter and as are not inconsistent with this chapter. Regulations

SEC. 5. Section 1699 of said code is amended to read:

1699. The Labor Commissioner may, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, adopt, amend, and repeal such rules and regulations as are reasonably necessary for the purpose of enforcing and administering this chapter and as are not inconsistent with this chapter.

SEC. 6. Section 76 of said code is amended to read:

76. The Commission of Housing may determine policies for the guidance of the division in all matters concerning the administration of the laws which the division is to enforce. With the approval of the Director of Industrial Relations and the advice of the Commission of Housing the Chief of the Division of Housing shall in accordance with the provisions Policy

of Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code adopt, repeal, and amend rules and regulations consistent with law for the protection of the health, safety and the general welfare of the people of the State of California in order to interpret and make more specific the laws which the Division of Housing is to enforce.

The chief of the division shall not adopt, publish, or enforce any rules, regulations, orders, standards of general application, policies or interpretations which implement, interpret or make specific the law enforced or administered by the Division of Housing unless such rules are adopted in accordance with the provisions of Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 7. Section 55 of said code is amended to read:

Organization of department

55. For the purpose of administration the director shall organize the department subject to the approval of the Governor, in the manner he deems necessary properly to segregate and conduct the work of the department. Notwithstanding any provision in this code to the contrary, the director may require any division in the department to assist in the enforcement of any or all laws within the jurisdiction of the department. The director may, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, make such rules and regulations as are reasonably necessary to carry out the provisions of this chapter and to effectuate its purposes. The provisions of this section, however, shall not apply to the Division of Industrial Accidents or the State Compensation Insurance Fund, except as to any power or jurisdiction within such divisions as may have been specifically conferred upon the director by law.

CHAPTER 2035

An act to amend Sections 127, 305, 306, and 411 of the Unemployment Insurance Code, relating to regulations of state agencies.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 127 of the Unemployment Insurance Code is amended to read:

"Authorized regulations" and "regulation"

127. "Authorized regulations" means regulations promulgated pursuant to the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, as modified by the provisions of this division, and "regulation" includes the amendment or repeal of a regulation.

SEC. 2. Section 305 of said code is amended to read:

Regulations

305. Regulations for the administration of this division shall be adopted, amended, or repealed as provided in Chapter

4, Part 1, Division 3, Title 2 of the Government Code, except as modified by this article.

SEC. 3. Section 306 of said code is amended to read:

306. The director may adopt, amend, or repeal such regulations as are reasonably necessary to enforce the provisions of this division, except where such power is specifically reserved to the Appeals Board. Same Reservation

SEC. 4. Section 411 of said code is amended to read:

411. The Appeals Board may promulgate rules or amend or rescind rules pertaining to hearing appeals and other matters falling within its jurisdiction. All such rules, amendments thereto, or repeals thereof, shall be made in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code. Rules re appeals

CHAPTER 2036

An act to amend Section 12501 of the Education Code, relating to disposition of fees, to take effect July 1, 1958.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 12501 of the Education Code is amended to read:

12501. All of the fees prescribed by this article are hereby appropriated for the support of the Department of Education to be used for the issuance of teachers credentials in addition to such other amounts as may be appropriated therefor by the Legislature. Such fees shall augment such support appropriation of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury.

SEC. 2. This act shall become effective July 1, 1958. Operative date

CHAPTER 2037

An act to add Section 18406 to the Education Code, relating to utility facilities for school districts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 18406 is added to the Education Code, to read:

18406. Where a city, district, or other political corporation or subdivision of the State is authorized by law to furnish sewerage, water, or other utility facilities to a school district

and is not required to provide for the installation thereof to such school district at its own expense, it may enter into an agreement with such school district whereby the cost of installation will be paid by the school district under such terms as the parties may agree to, with reimbursement from charges made or to be made to other users of such facilities as may be agreed upon between the parties, save insofar as other provisions of law control the terms of such reimbursement. Any agreement hitherto made between a school district and any of the aforesaid entities, which is otherwise in accordance with this section shall be deemed to be as valid and effective as if such agreement had been entered into subsequent to the effective date hereof.

CHAPTER 2038

An act to amend Section 69598 of the Government Code, relating to the number of judges of the Superior Court in San Joaquin County, providing for the appointment of an additional judge and for his compensation.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 69598 of the Government Code is amended to read:

Judges

69598. In the County of San Joaquin there shall be five judges of the superior court.

Appointment, term

SEC. 2. Within 10 days after this act becomes operative the Governor shall appoint one judge of the superior court in the County of San Joaquin in addition to the superior court judges already provided for by law in said County of San Joaquin who shall hold office until the first Monday after the first day of January, 1959. At the general election to be held in November, 1958, one additional judge of the superior court of San Joaquin County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder and who shall hold office for the time prescribed by the Constitution and by law.

Salary

SEC. 3. The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judges of the superior court in San Joaquin County now or hereafter authorized by law.

Operative date

SEC 4. This act shall become operative on the day when the Governor receives from the board of supervisors of the County of San Joaquin notice, by registered mail, that the board has determined that court quarters are available for the additional judge provided for by this act.

CHAPTER 2039

An act to amend Section 482.5 of and to add Section 1412 to the Fish and Game Code, and amend Section 5948 of and add Section 12015 to the Fish and Game Code as proposed by Assembly Bill No. 616, relating to fish.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 482.5 of the Fish and Game Code is amended to read:

482.5. 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

Log jams, debris, etc.

SEC. 2. Section 1412 is added to said code, to read:

1412. 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.

Pollution, etc

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 No. 616 takes effect; at which time Sections 482.5 and 1412 of the Fish and Game Code adopted in 1933 are repealed.

Effect Stats 1957, Ch. 456

CHAPTER 2040

An act to amend Section 32 of, and to add Section 37 to, the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289 of the Statutes of 1955), and to amend Section 22 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931), relating to the Santa Clara-Alameda-San Benito Water Authority and to districts organized and operating under the Water Conservation Act of 1931.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 32 of the Santa Clara-Alameda-San Benito Water Authority Act is amended to read:

Sec. 32. The board of directors herein referred to shall consist of five members.

SEC. 2. Section 37 is added to said act, to read:

Sec 37. Each director shall receive such sum as may be fixed by the board not exceeding twenty dollars ($20) for each meeting of the board attended by him, not exceeding two meetings in any calendar month.

SEC. 3. Section 22 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931) is amended to read:

Sec. 22. Each member of the board of directors shall receive twenty-five dollars ($25) for each day's attendance at the meetings of the board.

CHAPTER 2041

An act to amend Section 103.3 of the Welfare and Institutions Code, relating to public assistance payments.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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.

(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, and that the warrant he receives correctly reflects the award made by the board, 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.

(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 discontinuance 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.

(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.

(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 which occurred during the period of four years immediately preceding the date the error or inadvertence is discovered.

CHAPTER 2042

An act to add Sections 16408 and 16409 to the Government Code, relating to the Capital Outlay and Savings Fund, and making an appropriation.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 16408 is added to the Government Code, to read:

16408. The unexpended balance in any appropriation heretofore or hereafter made payable from the Capital Outlay and Savings 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, may be transferred on order of the Director of Finance to and in augmentation of the appropriation made by Section 16409.

Unexpended balance of appropriation

SEC. 2. Section 16409 is added to the Government Code, to read:

Appropriation

16409. There is hereby appropriated from the Capital Outlay and Savings Fund, without regard to fiscal years, any amounts transferred to this appropriation in accordance with the provisions of Section 16408, and such amounts may be expended for acquisition of real property or for construction and equipment of state public works projects for which an appropriation has been made from the Capital Outlay and Savings Fund. Expenditures shall be made pursuant to allocations made by the Director of Finance upon approval of the State Public Works Board.

Allocations may be made for expenditure upon any state public works project in augmentation of appropriations made from the Capital Outlay and Savings Fund, where such project cannot be undertaken because the estimate exceeds the amount available for such construction or bids received are in excess of the estimate, and upon such augmentation, contracts may be awarded therefore, notwithstanding the provisions of Section 14275.

Allocations may be made for acquisition of real property in augmentation of appropriations made from the Capital Outlay and Savings Fund for acquisition of real property and which cannot be acquired because acquisition costs are in excess of the amounts provided in the appropriation.

Allocations may be made for purchase of equipment in augmentation of appropriations made from the Capital Outlay and Savings Fund from which purchase of equipment is authorized.

CHAPTER 2043

An act to amend Section 28403 of the Corporations Code, relating to retirement systems.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 28403 of the Corporations Code is amended to read as follows:

28403. A retirement system shall, except to the extent that its benefits are underwritten by an insurer authorized to transact such business in this State, create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under its contracts, by-laws, or declaration of trust. The commissioner may require such reserves to be calculated on the basis of an interest rate not in excess of 4 percent per annum and mortality, disability, and other experience tables based on reliable experience for such or a similar group of employees and approved by the commissioner.

A retirement system shall be deemed to have created and maintained the reserves required by this section and to be sound and equitable within the meaning of Section 28301 and the contributions shall be deemed adequate to support the benefits granted within the meaning of Section 28401, if the documents setting forth the retirement system provide for contributions that are expected to accumulate sums, within a reasonable period of time, sufficient to fund at the time of the retirement of each employee the benefits payable to him under its contract, by-laws or declaration of trust. The reasonable time shall be fifteen (15) years. The commissioner may determine that a shorter period of time is reasonable with respect to any retirement system, and in making such determination and in fixing the reasonable time for such system, shall consider such relevant factors as the number and size of employers participating in the retirement system, the age distribution of the covered employees, the period of any firm obligation to pay contributions, and the actual likelihood that sufficient contributions will be paid to permit the retirement system regularly to pay the benefits described in the plan.

CHAPTER 2044

An act declaring portions of the lands granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1919, as amended, which have been and which may be hereafter improved, filled, and reclaimed, unavailable and unuseful for navigation, commerce, and fisheries, and excluding such portions from use for navigation, commerce, and fisheries, and providing that such portions, and other portions of the lands granted by said act, may be irrevocably alienated and conveyed free of public use and trust by the said county by exchanging such lands with the owner or owners of uplands contiguous thereto.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. That portions of the lands heretofore granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1919, as amended, have been heretofore improved by adapting the same to use for navigation in connection with the plan heretofore adopted and established for the improvement and development of Newport Bay in said County of Orange as a harbor, and that in

so adapting said lands to said use portions thereof which lie between the line of mean high tide and the established bulkhead or harbor lines have been filled and reclaimed, and that such portions of said lands as have been so filled and reclaimed are thereby excluded from the public channels and are no longer available or useful or susceptible of being used for navigation, commerce, and fishing, and are no longer in fact tidelands or submerged lands; and that the said portions of said lands which have been heretofore and which are now so improved, filled, and reclaimed are hereby declared to be free from the public use and trust for navigation, commerce, and fishery.

SEC. 2. That in connection with and in aid of the further improvement and development of the said Newport Bay as a harbor, portions of the said lands heretofore granted to the said county may be hereafter improved by adapting the same to use for navigation, and that in so adapting said lands to said use portions thereof which lie between the line of mean high tide and the established bulkhead or harbor lines may be hereafter filled and reclaimed, and portions of said lands so improved, filled, and reclaimed will be thereby excluded from the public channels and will no longer be available or useful or susceptible of being used for navigation, commerce, and fishing, and will no longer in fact be tidelands or submerged lands; and that such portions of said lands as shall be hereafter so improved, filled, and reclaimed by or in connection with the further improvement and development of said Newport Bay as a harbor shall, when so improved, filled, and reclaimed, be deemed free from the public use and trust for navigation, commerce, and fishery.

SEC. 3. That any and all of said portions of said lands hereinbefore referred to, which have been or which shall hereafter be improved, filled, and reclaimed, as hereinbefore provided, if and when so improved, filled, and reclaimed, may be irrevocably alienated and conveyed free of the public uses and trusts in said acts, by the said County of Orange, with the approval and concurrence of the State Lands Commission, to the owner or respective owners of the uplands lying contiguous thereto in exchange for lands of such owner or owners necessary or desirable for the improvement, development and conduct of said harbor upon a finding by the State Lands Commission that the lands located in the area commonly known as Upper Newport Bay which are to be exchanged are no longer useful for navigation, commerce, and fishing, and that the lands to be received in exchange are at least of equal value thereto. The lands received by the county in exchange shall be used by the county only for purposes of state-wide interest. Upon any conveyance as herein provided all right, title, and interest of the State and said County of Orange in the land exchanged shall vest in the grantee or grantees thereof.

CHAPTER 2045

An act to add Sections 21250.5 and 21703 to the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. Section 21250.5 is added to the Government Code, to read:

21250.5. In addition to any other benefits provided by this part, any local miscellaneous member who retires for service after attaining age 60 and before age 65 with credit for state service rendered as an employee of any contracting agency which is subject to the provisions of Section 21251.1 and which has modified its contract as provided in Section 21702, shall receive an additional annual pension based on his age at retirement and credited service which shall be computed according to the following formula: Retirement Ages 60 to 65

(a) 0.50 times the product of his age at retirement and his years of prior and current service, not in excess of 20 years, which have been credited toward the modified benefit formula provided in the agency's contract, plus

(b) 0.40 times the product of his age at retirement and his years of prior and current service in excess of 20 years which have been credited toward the modified benefit formula provided in the agency's contract.

This additional pension shall not be subject to the optional settlements under Article 4 of this part and shall be payable monthly as a temporary annuity until the retired member attains or would attain 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.

The benefits payable under this section shall be derived from contributions of the contracting agency and shall be divided between the agency's prior and current service contributions in the same proportion as the credited years of prior and current service which are used in the computation of this additional pension.

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 provisions

in such contract making the contracting agency subject to the provisions of this section.

SEC. 2. Section 21703 is added to said code, to read:

Election Retirement allowance

21703. The modifications provided in Section 21702 shall include, but not be limited to, a provision that any member retiring for service who is fully insured under Old-Age and Survivors Insurance may elect to have the actuarial equivalent of his unmodified service retirement allowance paid in two parts as follows:

(a) A temporary annuity which shall not exceed the primary Social Security benefit which it is anticipated the member will be entitled to receive at age 65, plus

(b) A life income consisting of his service retirement annuity plus such pension as may be provided by the actuarial value of his current and prior service pensions remaining after providing the temporary annuity in (a).

The temporary annuity under (a) shall not be subject to the optional settlements under Article 4 of Chapter 9, Part 3, Division 5, Title 2 of this code and shall be payable monthly until the retired member attains or would attain 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 of this code for payment of death benefits under optional settlement one.

Urgency

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:

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 2046

An act to add Section 8936.1 and Article 4 (commencing with Section 8945) to Chapter 16, Division 3 of the Business and Professions Code, relating to yacht and ship brokers.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 8936.1 is added to the Business and Professions Code, to read:

Fictitious names

8936.1. No fictitious name shall be used by a broker in the conduct of any business for which a license is required under this chapter unless a license bearing such fictitious name has been issued to said broker.

SEC. 2. Article 4 (commencing with Section 8945) is added to Chapter 16, Division 3, of said code, to read:

Article 4. Regulation of Transactions

Information upon sale

8945. Within one month after the closing of a transaction in which title to a yacht or ship is conveyed from a seller to a purchaser through a licensee under this chapter, such licensee shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof; and in event an exchange of yachts or ships is involved, such information shall include a description of said property and amount of added money consideration, if any. If any transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the licensee.

Authorization

8946. Before any licensee under this chapter shall engage in any transaction for which a license is required under this chapter, he shall obtain a written authorization from his principal to so act. A telegraphic authorization from the principal shall be deemed to comply with the requirements of this section.

Agreement

8947. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to purchase, sell, or exchange a yacht or ship, for compensation or commission, such licensee shall deliver a copy of the agreement to the person signing same. Receipt for said copy may be made on the face of the agreement.

Effect. Stats. 1957, Ch. 2050

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1198 or Senate Bill No. 2001 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as said Senate Bill No. 1198 or Senate Bill No. 2001.

CHAPTER 2047

An act to add Division 3.5, the Street and Road Bond Act of 1957, to the Streets and Highways Code, relating to the issuance and sale of bonds to finance the immediate construction of county roads and city streets, such bonds to be payable solely from certain portions of the State Highway Fund and Highway Users Tax Fund, and authorizing the immediate expenditure of the proceeds from the sale of such bonds for the construction of such roads and streets.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Division 3.5 is added to the Streets and Highways Code, to read:

DIVISION 3.5. THE STREET AND ROAD BOND ACT OF 1957

CHAPTER 1. SHORT TITLE

Short title

2220. This division shall be known and may be cited as the Street and Road Bond Act of 1957.

CHAPTER 2. COUNTY ROADS

Investigation; Application, etc

2261. Whenever the board of supervisors of any county by resolution determines that the construction of a road, including the separation of the grade of any such road from the track of any railroad corporation, in the primary system of county roads should be investigated for possible financing pursuant to this chapter, it shall transmit to the State Controller an application containing the following:

(a) A description of the project.

(b) The date upon which it proposes to issue bonds to finance the project.

(c) A request for an estimate of the minimum amounts which will be paid to the county for a period of 10 years from the proposed date of bond issuance for expenditure on all county roads pursuant to subdivision (b) of Section 2110, subdivisions (b) and (c) of Section 2111, and Section 2114, and for expenditure on roads in the primary system of county roads exclusively pursuant to Sections 2115 and 2116.

Estimate by Controller

2262. The Controller shall prepare the estimate required by subdivision (c) of Section 2261 and shall transmit it to the board of supervisors.

Estimate by board

2263. After receipt of the estimate from the Controller, the board of supervisors shall make the following estimates and determinations:

(a) An estimate of the total cost of the project.

(b) A determination of the amount of money available for expenditure for the immediate completion of the project from all sources.

(c) A determination of the amount of bonds required to be issued in order to provide a sum sufficient to provide the difference between the amount of funds determined to be available under subdivision (b) for the immediate completion of the project and the estimated total cost of the project. Such amount of bonds, together with the amount necessary to pay the interest on the bonds, shall not exceed one-fourth of the amount which the Controller has estimated will be paid to the county for expenditure on all county roads and on primary roads exclusively, and which is not already committed for expenditure on county roads.

Bonds

2264. The board of supervisors may by resolution provide for the issuance of bonds in the amount determined under subdivision (c) of Section 2263, or such portion thereof as it deems necessary.

Security

2265. The bonds issued to finance a project pursuant to this chapter shall be special obligations of the county, secured solely by that portion of one-fourth of the minimum amount which the Controller has estimated will be paid to the county for expenditure on all county roads and on primary roads exclusively, not already committed for expenditure on county roads, which the board of supervisors determines from time to time is necessary for the servicing of the bonds; and the payment of interest and principal on the bonds is secured by an exclusive charge and lien upon that portion of such revenues. That portion of the revenues constitutes a trust fund for the security and payment of the bonds and the interest thereon pursuant to Section 2267.

County liens, etc

No bond issued or sold pursuant to this chapter shall be or become a lien, charge, or liability against the county or the State of California or against their property or funds, except to the extent of the pledge expressly made by this chapter. Every bond issued pursuant to this chapter shall contain a recital on the face thereof, stating that neither the payment of the principal nor any part thereof, nor any interest thereon, constitutes a debt, liability, or general obligation of the county or the State of California, other than as provided in this chapter. The board of supervisors has no power at any time or in any manner to pledge the credit or taxing power of the State or the county other than as provided in this chapter.

Special accounts

2266. Any county which issues and sell bonds pursuant to this chapter shall establish special accounts in its special road improvement fund for the purposes set forth in this chapter. The proceeds of the sale of bonds for any project in the county, exclusive of premium and accrued interest, shall, after deducting any amounts necessary to reimburse other county funds for money advanced and expended in connection with the sale of the bonds, be deposited in an account in the special road improvement fund and shall be expended to carry out the

project for which the bonds were issued in accordance with law. All premium and accrued interest received on sale of bonds shall be deposited in an account in the special road improvement fund and shall be available only for servicing the particular bonds.

Payment

2267. So long as any bonds issued and sold pursuant to this chapter to finance projects in a county are outstanding, the board of supervisors shall, from time to time as may be necessary, determine the portion of the amounts received by the county for expenditure on all county roads and on primary roads exclusively from the Highway Users Tax Fund which it determines is necessary for bond service for each issue of bonds outstanding according to the terms of the bonds or the proceedings authorizing their issuance, and the county treasurer, upon order of the county auditor, shall transfer the amount so determined to the accounts established for the payment of the principal and interest on such bonds and expenses of retiring of such bonds, and such amount shall not be used for any other purpose so long as any such bonds are outstanding, except as otherwise provided in Section 2268.

Investment

2268. Any money in the special accounts established in the special road improvement fund of the county, including money for bond servicing purposes, not required for immediate expenditure may be invested and reinvested in bonds or other obligations eligible for investment of surplus county moneys. Any interest, increment, or loss shall be apportioned semiannually by the county auditor among the several accounts in proportion to their investment, as estimated by the county auditor.

Balance after retirement

2269. Upon the retirement of all outstanding bonds issued and sold pursuant to this chapter to finance a project in the county, the balance, if any, remaining in the special accounts established for such project shall be returned to the special road improvement fund and may be expended on any county road in accordance with law.

Contents of resolution

2270. The resolution of the board of supervisors pursuant to which the bonds are issued shall state:

(a) The purpose for which the bonds are proposed to be issued.

(b) The principal amount of the bonds to be issued.

(c) The maximum rate of interest on the bonds, which shall not exceed 6 percent a year, payable annually or semiannually.

(d) That the bonds are secured exclusively as provided in Section 2265.

(e) The number of series in which the bonds are to be issued.

(f) The date the bonds are to bear.

(g) The maturity dates of the bonds, which shall not be later than 10 years from the date of issuance.

2271. The board of supervisors may, in the resolution pursuant to which the bonds are issued or in a separate resolution, provide for:

(a) The denomination of the bonds.
(b) The form of the bonds, coupon or registered.
(c) The registration and conversion privileges of the bonds.
(d) The medium and place of payment.
(e) The terms of redemption, with or without a premium, which shall not exceed 6 percent of the par value of the bonds.
(f) The terms and conditions upon which the bonds may be declared or become due and payable upon specified defaults.
(g) The replacement of mutilated, destroyed, stolen, or lost bonds.

2272. Any resolution providing for the issuance of bonds pursuant to this chapter may provide that the bonds may recite that they are issued pursuant to this chapter, and bonds containing such recital are conclusively deemed valid and issued in conformity with this chapter.

Signatures

2273. 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, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

Valid signature

2274. If any officer whose signature, countersignature, or attestation appears on any county bond or coupon ceases to be such officer before the delivery of the bonds to the purchaser, the signature, countersignature, 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 at the date of the bonds is valid although the bonds themselves are attested by a different person who is auditor at the time of their delivery.

Sales

2275. The bonds shall be sold at the times, in the amounts, and in the manner prescribed by the board of supervisors, but for not less than par 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 county 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.

Security

2276. Bonds of the same issue shall be equally secured by lien upon the revenue pledged to secure that issue without

priority for the number or the date of the bonds, or of the sale, execution, or delivery thereof.

Holders

2277. Each taker and subsequent holder of the bonds and attached or detached coupons has recourse to all of the provisions of the resolution pursuant to which they are issued and of this chapter and is bound by their terms.

Tax exemption

2278. The bonds and interest on income from the bonds are exempt from taxation in this State, except from gift, inheritance, and estate taxes.

Proper investments

2279. The Superintendent of Banks may investigate and ascertain the status or sufficiency as investments for savings banks in this State of any such bonds. If upon investigation it is determined in his opinion that such bonds constitute a proper investment for savings banks, he shall so certify. He may revoke any such certificate issued by him at any time in his discretion.

2280. All bonds issued pursuant to this chapter which have been first certified by the Superintendent of Banks are legal investments for all trust funds, for the funds of all insurance companies, commercial and savings banks, and trust companies, and for state school funds.

2281. Any money or funds which may by law be invested in bonds of the State, cities, counties, or school districts in the State may be invested in the bonds issued pursuant to this chapter.

Security use

2282. Whenever any bonds of the State, or of any city, county, or school district in the State, may by law be used as security for the performance of any act or the deposit of any public money the bonds issued pursuant to this chapter may be so used.

Warrants

2283. The county treasurer shall pay the principal and interest on said bonds when due by warrants drawn against the special road improvement fund by the county auditor. Payments shall be made only from the account in the special road improvement fund established for the payment of the principal and interest on the particular issue of bonds. The principal and interest shall be payable in lawful money of the United States, either at the treasury of the county or at such place within the United States as the board of supervisors designates, or both at the treasury or the designated place at the option of the bondholder.

Redemption

2284. Whenever the board of supervisors determines that any outstanding bonds issued under this chapter to finance a particular project, and which by their terms are subject to redemption prior to maturity, should be redeemed, and that money sufficient for such redemption will be available in the appropriate account within the special road improvement fund established by the county at the time proposed for such redemption, it may by resolution direct the county treasurer to call and redeem any such bonds, at a time specified in such resolution, and the county treasury shall thereupon give notice of such proposed redemption and redeem said bonds in

accordance with the provisions for redemption provided for in the resolution of the board of supervisors pursuant to which the bonds so to be called were issued.

Cancellation and issuance

2285. Whenever the board of supervisors determines by resolution that for any reason any bonds which have been prepared and executed under the foregoing provisions should not be sold or issued, the county treasurer shall cancel the bonds by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. Upon the board of supervisors so determining by resolution, new bonds, conforming to its directions, may be prepared and executed in lieu of any bonds so canceled, and may be sold and issued in the same manner as other bonds authorized by this chapter.

Legal opinion

2286. Whenever the board of supervisors deems that it will increase the salability or the price of the bonds to obtain, prior to or after sale, a legal opinion, other than that of the county counsel, as to the validity of the bonds, it may authorize the county treasurer to obtain such a legal opinion. Payment for such legal services shall be made out of the proceeds of the sale of the bonds.

CHAPTER 3. CITY STREETS

Investigation Application, etc

2311. Whenever the legislative body of any city which has established a special gas tax street improvement fund by resolution determines that the construction of any street included in its system of major city streets, including the separation of the grade of any such street from the track of any railroad corporation, should be investigated for possible financing pursuant to this chapter, it shall transmit to the California Highway Commission an application containing the following:

(a) Plans and specifications for the project and an estimate of the total cost of the project.

(b) The date upon which it proposes to issue bonds to finance the project.

(c) A request for an estimate by the commission and the Department of Public Works of the minimum amounts which will be allocated for expenditure within the city for the construction of major city streets in the city pursuant to Sections 194 and 2107 of this code for a period of 10 years from the proposed date of bond issuance.

Approval by Department of Public Works

2312. The commission shall transmit the plans and specifications to the Department of Public Works for its approval and, together with the department, shall prepare the estimate required by subdivision (c) of Section 2311. The commission shall transmit the estimate to the legislative body of the city.

Determinations City

2313. After receipt of the estimate from the commission, and approval of the plans and specifications by the Department of Public Works, the legislative body of the city shall make the following determinations:

(a) A determination of the amount of money available for expenditure for the immediate completion of the project from all sources.

(b) A determination of the amount of bonds required to be issued in order to provide a sum sufficient to provide the difference between the amount of funds determined to be available under subdivision (a) for the immediate completion of the project and the estimated total cost of the project. Such amount of bonds, together with the amount necessary to pay the interest on the bonds, shall not exceed one-fourth of the amount which the commission and the department have estimated will be allocated for expenditure within the city pursuant to Section 2312, and which is not already committed for expenditure on city streets.

Bonds

2314. The legislative body of the city may by resolution adopted by a four-fifths vote of all of its members provide for the issuance of bonds in the amount determined under subdivision (b) of Section 2313, or such portion thereof as it deems necessary.

Security

2315. The bonds issued to finance a project pursuant to this chapter shall be special obligations of the city, secured solely by that portion of one-fourth of the minimum amount which the commission and the department have estimated will be allocated for expenditure within the city pursuant to Sections 194 and 2107 of this code, not already committed for expenditure on city streets, which the Department of Public Works determines from time to time is necessary for the servicing of the bonds by the city; and the payment of interest and principal on the bonds is secured by an exclusive charge and lien upon that portion of such revenues That portion of the revenues constitutes a trust fund for the security and payment of the bonds and the interest thereon pursuant to Section 2317.

County lien, etc.

No bond issued or sold pursuant to this chapter shall be or become a lien, charge, or liability against the city or the State of California or against their property or funds, except to the extent of the pledge expressly made by this chapter. Every bond issued pursuant to this chapter shall contain a recital on the face thereof, stating that neither the payment of the principal nor any part thereof, nor any interest thereon, constitutes a debt, liability, or general obligation of the city or the State of California, other than as provided in this chapter. The commission, the department, and the legislative body of the city have no power at any time or in any manner to pledge the credit or taxing power of the State or the city other than as provided in this chapter.

Special accounts

2316. Any city which issues and sells bonds pursuant to this chapter shall establish special accounts in its special gas tax street improvement fund for the purposes set forth in this article. The proceeds of the sale of bonds for any project in the city, exclusive of premium and accrued interest, shall, after deducting any amounts necessary to reimburse other city funds for money advanced and expended in connection with the sale

of the bonds, be deposited in an account in the special gas tax street improvement fund and shall be expended to carry out the project for which the bonds were issued in accordance with law. All premium and accrued interest received on sale of bonds shall be deposited in an account in the special gas tax street improvement fund and shall be available only for servicing the particular bonds.

Payment

2317. So long as any bonds issued and sold pursuant to this chapter to finance projects in a city are outstanding, the Department of Public Works shall, from time to time as may be necessary, determine the portion of the amounts allocated for expenditure within the city pursuant to Sections 194 and 2107 of this code which it determines is necessary for bond service by the city for each issue of bonds outstanding according to the terms of the bonds or the proceedings authorizing their issuance, and the State Treasurer, upon order of the Controller, shall transfer the amount so determined from the State Highway Fund to the city. This amount shall be placed in the accounts established in the special gas tax street improvement fund for the payment of the principal and interest on such bonds and expenses of retiring of such bonds, and such amount shall not be used for any other purpose so long as any such bonds are outstanding, except as otherwise provided in Section 2318.

Investment

2318 Any money in the special accounts established in the special gas tax street improvement fund of the city, including money for bond servicing purposes, not required for immediate expenditure may be invested and reinvested in bonds or other obligations eligible for investment of surplus city moneys. Any interest, increment, or loss shall be apportioned semiannually by the legislative body of the city among the several accounts in proportion to their investment, as estimated by the legislative body.

Balance after retirement

2319. Upon the retirement of all outstanding bonds issued and sold pursuant to this chapter to finance a project in the city, the balance, if any, remaining in the special accounts established for such project shall be returned to the special gas tax street improvement fund and may be expended in accordance with law on any major city street.

Contents of resolution

2320. The resolution of the legislative body of the city pursuant to which the bonds are issued shall state:

(a) The purpose for which the bonds are proposed to be issued.

(b) The principal amount of the bonds to be issued.

(c) The maximum rate of interest on the bonds, which shall not exceed 6 percent a year, payable annually or semiannually.

(d) That the bonds are secured exclusively as provided in Section 2315.

(e) The number of series in which the bonds are to be issued.

(f) The date the bonds are to bear.

(g) The maturity dates of the bonds, which shall not be later than 10 years from the date of issuance.

2321. The legislative body of the city may, in the resolution pursuant to which the bonds are issued or in a separate resolution, provide for:

(a) The denomination of the bonds.

(b) The form of the bonds, coupon or registered.

(c) The registration and conversion privileges of the bonds.

(d) The medium and place of payment.

(e) The terms of redemption, with or without a premium, which shall not exceed 6 percent of the par value of the bonds.

(f) The terms and conditions upon which the bonds may be declared or become due and payable upon specified defaults

(g) The replacement of mutilated, destroyed, stolen, or lost bonds.

2322. Any resolution providing for the issuance of bonds pursuant to this chapter may provide that the bonds may recite that they are issued pursuant to this chapter, and bonds containing such recital are conclusively deemed valid and issued in conformity with this chapter.

Signatures

2323. The bonds shall be signed by the mayor, or such other officer as the legislative body authorizes by resolution, and the city treasurer. They shall be countersigned by the clerk or a deputy clerk. The bond coupons shall be numbered consecutively and signed by the city treasurer. All signatures and countersignatures except that of the clerk or his deputy may be printed, lithographed, or engraved.

Valid signatures

2324. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before delivery of the bonds, his signature is as effective as if he had remained in office.

Sales

2325. The bonds shall be sold at the times, in the amounts, and in the manner prescribed by the legislative body of the city, but for not less than par. 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 city 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.

Security

2326. Bonds of the same issue shall be equally secured by lien upon the revenue pledged to secure that issue without priority for the number or date of the bonds, or of the sale, execution, or delivery thereof.

Holders

2327. Each taker and subsequent holder of the bonds and attached or detached coupons has recourse to all of the provisions of the resolution pursuant to which they are issued and of this chapter and is bound by their terms.

2328. The bonds and interest on income from the bonds are exempt from taxation in this State, except from gift, inheritance, and estate taxes. Tax exemption

2329. The Superintendent of Banks may investigate and ascertain the status or sufficiency as investments for savings banks in this State of any such bonds. If upon investigation it is determined in his opinion that such bonds constitute a proper investment for savings banks, he shall so certify. He may revoke any such certificate issued by him at any time in his discretion. Proper investments

2330. All bonds issued pursuant to this chapter which have been first certified by the Superintendent of Banks are legal investments for all trust funds, for the funds of all insurance companies, commercial and savings banks, and trust companies, and for state school funds.

2331. Any money or funds which may by law be invested in bonds of the State, cities, counties, or school districts in the State may be invested in the bonds issued pursuant to this chapter.

2332. Whenever any bonds of the State, or of any city, county, or school district in the State, may by law be used as security for the performance of any act or the deposit of any public money the bonds issued pursuant to this chapter may be so used. Security use

2333. The city treasurer shall pay the principal and interest on said bonds when due from the special gas tax street improvement fund on order of the legislative body of the city. Payments shall be made only from the account in the special gas tax street improvement fund established for the payment of the principal and interest on the particular issue of bonds. The principal and interest shall be payable in lawful money of the United States, either at the treasury of the city or at such place within the United States as the legislative body designated, or both at the treasury or the designated place at the option of the bondholder. Warrants

2334. Whenever the legislative body of the city determines than any outstanding bonds issued under this chapter to finance a particular project, and which by their terms are subject to redemption prior to maturity, should be redeemed, and that money sufficient for such redemption will be available in the appropriate account within the special gas tax street improvement fund established by the city at the time proposed for such redemption, it may by order direct the city treasurer to call and redeem any such bonds, at a time specified in such order, and the city treasurer shall thereupon give notice of such proposed redemption and redeem said bonds in accordance with the provisions for redemption provided for in the resolution of the legislative body pursuant to which the bonds so to be called were issued. Redemption

2335. Whenever the legislative body of the city determines by resolution that for any reason any bonds which have been prepared and executed under the foregoing provisions should Cancellation and issuance

not be sold or issued, the city treasurer shall cancel the bonds by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. Upon the legislative body so determining by resolution, new bonds, conforming to its directions, may be prepared and executed in lieu of any bonds so canceled, and may be sold and issued in the same manner as other bonds authorized by this chapter.

Legal opinion

2336. Whenever the legislative body of the city deems that it will increase the salability or the price of the bonds to obtain, prior to or after sale, a legal opinion, other than that of the city attorney, as to the validity of the bonds, it may authorize the city treasurer to obtain such a legal opinion. Payment for such legal services shall be made out of the proceeds of the sale of the bonds.

Operative date

SEC. 2. This act shall take effect upon adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating, and making fully and completely effective the Street and Road Bond Act of 1957.

CHAPTER 2048

An act to add Sections 1802.71, 1802.72, 1802.73, 1802.74, 1802.75, 1802.76, and 1802.77 to the Insurance Code, relating to security deposited by bail licensees with the Insurance Commissioner.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1802.71 is added to the Insurance Code, to read:

Substitution of bond

1802.71. The holder, or former holder of a bail license, who has deposited with the commissioner securities in lieu of a bond as provided by Section 1802.7, may at any time substitute therefor a bond complying with the requirements of Section 1802, 1807.5, or 1803, as the case may be. Such a bond must embrace all liability theretofore existing or which may thereafter be incurred for the fulfillment of which the securities have been held, whether reported or unreported.

The substitution of such a bond for securities shall be conditioned upon the approval of the commissioner. Upon receiving such approval and the filing of the bond, the applicant shall be permitted to withdraw the securities theretofore deposited on his behalf.

SEC. 2. Section 1802.72 is added to said code, to read:

Return of securities

1802.72. The former holder of any bail license, who has surrendered any and all licenses to the commissioner, and who has on deposit with the commissioner securities in lieu of bond as provided by Section 1802.7, may, not sooner than three

years after the surrender of his last bail license apply to the commissioner for the return of the securities.

SEC. 3. Section 1802.73 is added to said code, to read:

Application

1802.73. The application shall be in writing, verified, and shall state:

(a) The nature of all bail licenses held by the applicant and the period during which the applicant was authorized to transact bail business under each;

(b) All of the counties in which the applicant transacted bail under the authority of each license;

(c) That all bail transacted by applicant, and his solicitors and employees, if any, has been exonerated by order of court, and that his liability as surety on all bail transactions has been discharged;

(d) The date upon which the last liability of the applicant on a bail transaction was fully exonerated and discharged;

(e) That all moneys collected or received by the applicant, and his solicitors and employees, if any, have been paid to the person or persons entitled thereto and have in all respects been fully and properly accounted for.

SEC. 4. Section 1802.74 is added to said code, to read:

Publication Notice

1802.74. The commissioner shall publish daily for one week in a newspaper of general circulation in each county in which the applicant transacted bail under any license, a notice of the application to withdraw the securities deposited with the commissioner in lieu of bond. The expense of the publication shall be borne by the applicant and the commissioner may require the applicant to pay it in advance.

SEC. 5. Section 1802.75 is added to said code, to read:

Examination of records

1802.75. The commissioner shall make an examination of the books and records of the applicant. The costs and expenses of the examination shall be paid by the commissioner out of funds appropriated for support of the Department of Insurance.

SEC. 6. Section 1802.76 is added to said code, to read:

Expenses of publication

1802.76. Upon failure of the applicant to pay the expense of publication of notice within 30 days after the presentation of the bill therefor, the commissioner shall collect the costs out of the deposited securities.

SEC. 7. Section 1802.77 is added to said code, to read:

Delivery of securities

1802.77. If the commissioner is satisfied from the application and the examination of the books and records of the applicant that the applicant has, in fact, complied with the representations made in his application, the commissioner shall deliver to the applicant the securities deposited; provided, however, the commissioner shall not deliver the securities to the applicant prior to the expiration of three years after the latest date on which a bond was issued or written by the applicant.

CHAPTER 2049

An act to add Section 402.5 to the Revenue and Taxation Code, relating to the assessment of property used for agricultural or recreational purposes.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 402.5 is added to the Revenue and Taxation Code, to read:

402.5. In assessing property which is zoned and used exclusively for agricultural or recreational purposes, and as to which there is no reasonable probability of the removal or modification of the zoning restriction within the near future, the assessor shall consider no factors other than those relative to such use.

CHAPTER 2050

An act to amend Sections 8902, 8915, 8937, 8938.1, 8938.2, 8938.3, 8938.4, 8941, 8943, 8950, 8952, 8954, 8955, 8966, 8967, 8970, 8971, 8971.5, 8972.1, 8973, and 8975 of, and to amend and renumber Sections 8917, 8918, 8919, 8923, 8924, 8925, and 8926 of, and to add Sections 8905, 8916, 8917, 8918, 8919, 8920, 8921, 8922, 8923, 8924, 8931, 8937.1, and 8968 to, and to repeal Sections 8905, 8916, 8920, 8921, 8922, 8951, 8969, and 8972 of, the Business and Professions Code, relating to the Department of Professional and Vocational Standards to provide for a Yacht and Ship Brokerage Board therein and the regulation of yacht and ship brokerage, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 8902 of the Business and Professions Code is amended to read:

"Broker"

8902. "Broker" refers to a person who, as a whole or partial vocation, for others, sells or offers for sale, buys or offers to buy, lists, solicits prospective purchasers of, negotiates the purchase or sale or exchange of, charters, offers to charter, negotiates the charter of, leases, rents, places for lease or rent, or negotiates loans on, yachts or ships.

A person shall be deemed to be a broker, within the meaning of this section, if, for another, he does any of the acts or participates in any of the transactions herein defined, even though at some subsequent time he may obtain title to, or procure in his own name the certification or registration of, the yacht or ship in question.

SEC. 2. Section 8905 of said code is repealed. Repeal

SEC. 3. Section 8905 is added to said code, to read:

8905. "Registrar" refers to the Yacht and Ship Brokers Registrar. "Registrar"

SEC. 4. Section 8915 of said code is amended to read:

8915. There is in the Department of Professional and Vocational Standards a Yacht and Ship Brokers Commission, which consists of five members appointed by the Governor. Yacht and Ship Brokers Commission

The commission is vested with the power to and shall administer the provisions of this chapter.

SEC. 5. Section 8916 of said code is repealed. Repeal

SEC. 6. Section 8916 is added to said code, to read:

8916. The commission is composed of five members, four of whom shall be, and shall have been for a period of not less than five years preceding the date of their appointment, actively engaged and licensed as a yacht and ship broker and/or shall continue to be so engaged and licensed during the term of their office. Membership

SEC. 7. Section 8917 is added to said code, to read:

8917. Each member of the commission shall be appointed by the Governor for a term of four years, subject to removal by him at his pleasure. Two members of the commission shall be yacht and/or ship brokers whose principal places of business are located in Northern California; two shall be yacht and/or ship brokers whose principal places of business are located in Southern California. Terms and vacancies

The terms of the original commission members shall expire one on June 30, 1959; two on June 30, 1960; two on June 30, 1961.

Vacancies shall be filled by the Governor for the unexpired term.

Each member shall hold office until the appointment and qualification of his successor or until six months 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 commission for more than two consecutive terms.

SEC. 8. Section 8918 is added to said code, to read:

8918. The commission shall organize and elect a president from among its members for a term of one year at the first meeting of each year. The newly elected president shall assume his duties at the conclusion of the meeting at which he was elected. Re-election to office during membership is unrestricted. President

The commission shall meet at least twice during each calendar year. Meetings

SEC. 9. Section 8919 is added to said code, to read:

8919. All rules and regulations shall become effective as provided in Chapter 4 (commencing at Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code. Regulations

Special meetings may be called at any time by the president or by any three members of the commission upon notice for such time and in such manner as the commission may provide.

Repeals

SEC. 10. Sections 8920, 8921, and 8922 of said code are repealed.

SEC. 11. Section 8920 is added to said code, to read:

Quorum

8920. Three members of the commission shall constitute a quorum for the transaction of business, for the performances of any duty, or the exercise of any power or authority of the commission.

SEC. 12. Section 8921 is added to said code, to read:

Compensation

8921. Each member of the commission shall serve without compensation for his services, but each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his duties.

A vacancy on the commission shall not impair the power of the remaining members to perform all duties and exercise all powers of the commission providing the members remaining constitute a quorum.

SEC. 13. Section 8922 is added to said code, to read:

Powers

8922. The commission, with the approval of the director, may:

(a) Appoint a Yacht and Ship Brokers Registrar, fix his compensation, and prescribe his duties.

(b) Regulate and control the issuance and revocation, both temporary and permanent, of the licenses issued under this chapter.

(c) Prescribe rules and regulations to carry this chapter into effect.

(d) Perform all other acts and duties necessary for the proper enforcement of this chapter.

(e) Institute proceedings in any court of competent jurisdiction to enforce the provisions of this chapter by injunction or otherwise.

SEC. 14. Section 8923 is added to said code, to read:

Seal

8923. The commission shall adopt a seal with the words "Yacht and Ship Brokers Commission—State of California" and such other device as they may desire thereon, by which they shall authenticate all papers and documents under their control.

Copies of all records and papers in the commission's office shall be received in evidence in all cases, when certified under the hand and seal of the commission, equally and with like effect as the originals.

SEC. 15. Section 8924 is added to said code, to read:

Attorney General

8924. The Attorney General shall act as the attorney for the commission in all actions and proceedings and shall render to the commission opinions upon all questions of law arising under this chapter or in its administration.

SEC. 16. Section 8917 is amended and renumbered to read:

Registrar

8925. Within 15 days from the time he is notified of his appointment, the registrar shall take his oath of office and file a bond in such penal sum as the director may determine.

SEC. 17. Section 8918 of said code is amended and renumbered to read:

8926. In accordance with the State Civil Service Act, the registrar may select and, with the director's approval, may employ and fix the compensation of such deputies, clerks and assistants as may be necessary properly to administer this chapter. Deputies, etc

Neither the registrar nor any deputy, clerk or assistant shall be interested in any company or brokerage firm as director, stockholder, officer, member, agent or employee, nor act as a broker or salesman, or have any interest with any broker or salesman.

The registrar may prescribe the duties of all deputies, clerks and assistants.

SEC. 18. Section 8919 of said code is amended and renumbered to read:

8927. The principal office of the commission shall be in Sacramento. The commission may establish branch offices in San Francisco and Los Angeles and such other cities as may be necessary for the proper administration of this chapter. Offices

SEC. 19. Section 8923 of said code is amended and renumbered to read:

8928. The commission may assist any district attorney and prosecuting attorney in the prosecution of any case arising out of violations of this chapter which constitute a crime. Prosecutions

SEC. 20. Section 8924 of said code is amended and renumbered to read:

8929. Every violation of this chapter is a misdemeanor. Violations

SEC. 21. Section 8925 of said code is amended and renumbered to read:

8930. The commission shall publish or cause to be published on or before July 1st of each year a directory of licensed brokers and salesmen and may publish such additional information as it deems expedient. Directory

SEC. 22. Section 8931 is added to said code, to read:

8931. The registrar, and any member of the commission, may administer oaths for the purpose of administering this chapter. Oaths

They may also issue a periodical bulletin concerning affairs arising under the administration of this chapter. Bulletins

SEC. 23. Section 8926 of said code is amended and renumbered to read:

8932. Within 30 days prior to each regular session of the Legislature, the commission shall submit to the Governor a full and true report of transactions under this chapter, including a complete statement of receipts and expenditures during the preceding fiscal year. Reports

SEC. 24. Section 8937 of said code is amended to read:

8937. This chapter does not apply: Exceptions

(a) To a transaction involving the sale by a person of his own yacht or ship.

(b) To services rendered by an attorney at law in performing his duties as such attorney at law.

(c) To any receiver, trustee in bankruptcy or other person acting under the order of any court.

(d) To a transaction involving the sale of a new yacht or ship.

(e) To any transaction involving the foreclosure of a security interest in a yacht or ship.

SEC. 25. Section 8937.1 is added to said code, to read:

Transfer of title

8937.1. Any person purchasing used yachts or ships for resale must transfer actual title to any such yacht or ship into his name and have in his possession, subject to inspection by the commission, a good and sufficient bill of sale or other fit evidence of title whenever such yacht or ship is not required to be documented with the Marine Registry or registered with the Motor Boat Registry, if such person wishes to claim exemption under this chapter.

SEC. 26. Section 8938.1 of said code is amended to read:

License denial

8938.1. The registrar may deny a license upon applicant's failure to:

(a) Pass the written examination.

(b) Furnish satisfactory certification of honesty, truthfulness, and good reputation, and recommendations that a license be issued.

(c) Certify that he has never been convicted of a felony.

(d) Post the required bond as provided in Section 8938.2. The registrar may also deny a license in the event an applicant has been convicted of a felony.

SEC. 27. Section 8938.2 of said code is amended to read:

Deposit of surety bond

8938.2. Every applicant for a broker's license or renewal thereof shall deposit with the commission a good and sufficient surety bond issued by a company authorized to do business in this State in an amount not to exceed one thousand dollars ($1,000) and in such form and on such conditions as the commission may require for the protection of persons with whom said applicant may deal as a licensee.

SEC. 28. Section 8938.3 of said code is amended to read:

Liability

8938.3. Any person claiming to be injured by the fraud, deceit, or wilful negligence of any broker, or by the failure of any broker to comply with the provisions of this chapter, may bring an action upon the bond deposited with the commission against both the principal and the surety in any court of competent jurisdiction to recover the damage caused by such fraud, deceit, wilful negligence, or failure to comply with the provisions of this chapter. In the event that a broker fails to pay any sum owed to any creditors arising out of any transaction in which such broker acted in his capacity as a broker, the commission shall call and hold a hearing, as near as may be pursuant to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, to determine the names and addresses of all such creditors, together with the amounts due and owing to them and each of them. The publication of one notice of the hearing in a magazine or newspaper of general circulation devoted to the yacht and ship

business shall constitute sufficient notice of the hearing. Each creditor claiming that a sum is owed to him shall file with the commission at the hearing a verified statement of his claim. Upon ascertaining all claims and statements in the manner herein set forth, the commission 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 commission shall thereupon bring an action on the bond in behalf of said creditors. Upon any action being commenced on said bond the commission may require the filing of a new bond and immediately upon the recovery in any action on such bond such broker shall file a new bond and upon failure to file the same within 10 days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

SEC. 29. Section 8938.4 of said code is amended to read:

8938.4. Upon the filing of notice with the commission by any surety of its withdrawal as surety for any licensee pursuant to Section 2851 of the Civil Code, the commission shall forthwith give notice to the licensee of the withdrawal which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee at his principal office as shown by the records of the commission. The license of any licensee shall be suspended and shall be returned to the commission upon the termination of the bond of the surety as provided in Section 2851, unless, prior to the termination, a new bond has been filed with the commission. Surety

SEC. 30. Section 8941 of said code is amended to read:

8941. Every license shall be prominently displayed in the office of the broker in which the business of the broker or salesman is transacted. License display

Every salesman's license shall remain in the possession of the broker by whom the salesman is employed until canceled or until he leaves the employment of the broker. Immediately upon the salesman's withdrawal from the employment of the broker, the broker shall return the salesman's license to the commission for cancellation.

SEC. 31. Section 8943 of said code is amended to read:

8943. Upon the issuance of a license, a pocket card of such size, design, and content as may be determined by the commission may be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors, members, and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his position, office or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the commission for cancellation. Pocket card

SEC. 32. Section 8950 of said code is amended to read:

Investigation

8950 The commission may upon its own motion and shall upon the verified written complaint of any person, investigate the actions of any broker or salesman, whether or not licensed.

Repeal

SEC. 33. Section 8951 of said code is repealed.

SEC. 34. Section 8952 of said code is amended to read:

Proceedings

8952. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

SEC. 35. Section 8954 of said code is amended to read:

License suspension or revocation

8954. The commission may suspend or revoke the license of a broker or salesman who has committed any of the following acts:

(a) Makes a substantial misrepresentation upon which any person has relied;

(b) Makes a false warranty of a character likely to influence, persuade or induce any person with whom business is transacted under this chapter;

(c) Engages in a continued and flagrant course of misrepresentation or makes false warranties, whether or not relied upon by another person;

(d) Acts for the buyer and seller in a transaction without the knowledge and consent of both parties;

(e) Commingles the money or other property of his principal with that of his own;

(f) Does any of the acts or participates in any of the transactions defined in Section 8902 of this code with respect to any yacht or ship not registered in accordance with the provisions of Sections 3101 to 3112, inclusive, of the Revenue and Taxation Code;

(g) Performs any act or participates in any transaction which belongs to or is connected with a class or activity other than the class for which he is licensed;

(h) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring an exclusive listing, or participating in a transaction knowing that such means have been or will be used therein;

(i) Quotes prices higher than the gross listing prices;

(j) Engages in any other conduct constituting fraud or dishonest dealings, either with respect to his principal or other persons.

SEC. 36. Section 8955 of said code is amended to read:

8955. The commission may suspend or revoke the license of a broker or salesman who within three years immediately preceding has committed any of the following acts or against whom and within said period any of the following conditions exist:

(a) Procuring a license under this chapter for himself or another by fraud, misrepresentation, or deceit;

(b) Has been convicted of a felony and has withheld information of that fact from the commission;

(c) Knowingly authorizes, directs, connives, or aids in the publication, advertisement or distribution or circulation of any material false statement or misrepresentation concerning his business or any such transaction under this chapter.

SEC. 37. Section 8966 of said code is amended to read:

Delinquencies

8966. If a license is not renewed by February 1st of the year succeeding the period for which the license was granted or renewed, the license shall become delinquent. A delinquent license shall be reinstated upon the filing of an application and the payment of the renewal fee and a penalty, but not otherwise. The penalty shall be an amount equal to the amount of the renewal fee or fees which the licensee would have been required to pay to keep his license from becoming delinquent.

Every delinquent license that is not reinstated within two years of the date when the license became delinquent shall become forfeited and shall not be reinstated.

Every person holding a forfeited license shall forthwith return such license to the commission, upon the demand of the registrar, and no application for a new license shall be accepted and no license shall be issued until the lapse of six months after the return of the forfeited license. No examination shall be required as a condition for the issuance of a license to any person who previously held a license which was forfeited solely for failure to pay the renewal fee.

Every application for the reinstatement of a delinquent license shall be sworn to before a notary public or other person authorized to take acknowledgments under oath. The application shall state that applicant has not performed any act nor participated in any transaction described in Section 8902 hereof, during the period in which his license was delinquent, and that he has not been guilty of an offense nor done any act that would have been a cause for the suspension or revocation of his license, as set forth in Sections 8954 and 8955 hereof.

SEC. 38. Section 8967 of said code is amended to read:

Disposition of fees

8967. All fees charged and collected under this chapter shall be paid by the commission at least once a month, accompanied by a detailed statement into the State Treasury to the credit of the Yacht and Ship Brokers Fund.

All money paid into the State Treasury and credited to this fund is appropriated to carry out the provisions of this chapter and shall be paid in the manner provided by law.

The commission may establish a revolving fund in such an amount as it may determine, subject to the approval of the director.

SEC. 39. Section 8968 is added to said code, to read:

Payment of fees

8968. All license fees shall be paid in advance of issuing the license and the taking of examinations The fee for the license shall be returned to the applicant if he fails to pass the examination.

SEC. 40. Section 8969 of said code is repealed.

Repeal

SEC. 41. Section 8970 of said code is amended to read:

Fees

8970. The commission shall charge and collect the following fees:

1. One hundred dollars ($100) for every original broker's license, regardless of class.

2. Fifty dollars ($50) for the annual renewal of an original broker's license, regardless of class.

3. Ten dollars ($10) for every original salesman's license, regardless of class.

4. Ten dollars ($10) for annual renewal of a salesman's license, regardless of class.

5. Fifteen dollars ($15) for a broker's or salesman's examination. Fifteen dollars ($15) for each examination to increase the scope of a B or C license.

6. Fifty dollars ($50) for any licensee holding a B or C license, who wishes to convert such license to an A license.

7. Five dollars ($5) for a salesman's temporary license.

8. Ten dollars ($10) for every license obtained by a broker for a branch office, and for every renewal thereof.

9. Five dollars ($5) for changing the name or address of a broker on the records of the department.

10. Five dollars ($5) for every transfer of a salesman's license for every change of employment.

11. Five dollars ($5) for a duplicate license

12. Ten dollars ($10) for the substitution of a name in the license of a corporation or copartnership, and an examination fee of fifteen dollars ($15).

SEC. 42. Section 8971 of said code is amended to read:

Rules, etc.

8971. The commission shall have the power to adopt rules and regulations classifying yacht and ship brokers or salesmen, on the following basis:

A license issued to a broker or salesman shall be limited to the class or classes for which the applicant has demonstrated his qualifications and fitness by his application and examination.

No salesman shall be licensed in any class other than that for which the employing broker is licensed

Qualification

A person shall be deemed qualified to be licensed as a broker if, as shown by the affidavits of two responsible persons, he has, or has the equivalent of:

(a) Held master papers for a period of one year or has owned and operated a shipyard, or ship repair facility, or a landing or mooring basin or has been a marine surveyor, or has been a foreman or superintendent of a shipyard for a period of one year, prior to making an application;

(b) Been licensed by this or another state for a period of one year;

(c) Been employed as a yacht or ship salesman for at least one year; or

(d) Been engaged in the steamship business for a period of one year, as owner or operator.

SEC. 43. Section 8971.5 of said code is amended to read:

8971.5. The commission shall issue licenses for the following classes:

(a) Yacht and ship brokers or salesmen, covering all phases of the business.

(b) Yacht Brokers or Salesmen. Those handling transactions involving vessels under three hundred (300) gross tons.

(c) Ship Brokers or Salesmen. Those handling transactions involving yachts and ships in excess of three hundred (300) gross tons.

(d) Charter Brokers or Salesmen. Those handling transactions involving the chartering of mercantile vessels, regardless of tonnage.

SEC. 44. Section 8972 of said code is repealed. Repeal

SEC. 45. Section 8972.1 of said code is amended to read:

8972.1. The commission shall ascertain by written examination that the applicant, and in the case of a copartnership or corporation, that each officer, agent or member, thereof, through whom it proposes to act as a licensee, has a general and fair understanding of the obligations between principal and agent, of the principles of yacht and ship brokerage practices, and the canons of business ethics pertaining thereto. Examination

SEC. 46. Section 8973 of said code is amended to read:

8973. The commission shall select suitable and appropriate questions for the written examination for each class for which the applicant has made application, in order to determine the applicant's knowledge of and experience in the appropriate subjects. Questions

SEC. 47. Section 8975 of said code is amended to read:

8975. Temporary licenses may be issued to salesmen under the following conditions: Temporary licenses

(a) Such licenses shall be issued for a period not to exceed sixty (60) days and only one such license shall be issued to each applicant.

(b) An application must be filed for a temporary license and for a permanent license, and at the same time the applicant must pay the prescribed fee.

(c) The applicant must state under oath his qualifications for the position of salesman, and must show that he has not been guilty of any conduct and has not done any act that would constitute good cause for the suspension or revocation of a permanent license.

(d) On or before the expiration date of the temporary license, such licensee shall take a written examination for a permanent license of the class or classes which he selects and for which he is qualified. If without valid excuse he fails to appear for the examination at the time prescribed, the examination fee shall be forfeited.

CHAPTER 2051

An act to amend Sections 73641, 73642, 73643, 73644, 73645, 73648, 73950, 73952, 73953, 73954, 73955, 73957, 73958, 74742, 74743, 74744, 74745, and 74748, and amend and renumber Section 73649, as added by Chapter 1918 of the Statutes of 1955, of the Government Code, relating to municipal courts in the South Bay Judicial District and in the districts embracing the Township of El Cajon and the Township of Oceanside

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 73641 of the Government Code is amended to read:

Judges

73641. There shall be one judge; provided further, however, that in the event the Board of Supervisors of San Diego County consolidate all or a substantial part of the Homeland Judicial District with the El Cajon Judicial District, there shall be two judges. The second judge to take office on the effective date of the ordinance providing for such consolidation.

SEC. 1.5. Section 73642 of said code is amended to read:

Clerk

73642. There shall be one clerk who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

SEC. 2. Section 73643 of said code is amended to read:

Deputy clerks

73643. The clerk may appoint with the approval of the judge:

(a) One chief deputy clerk who shall receive a monthly salary as provided in Schedule No. 3 of Section 73650.

(b) Four deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

(c) Two junior deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 1 of Section 73650.

SEC. 3. Section 73644 of said code is amended to read:

Marshal

73644. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

SEC. 4. Section 73645 of said code is amended to read:

Deputy marshals

73645. The marshal may appoint with the approval of the judge:

(a) Four deputy marshals II, each of whom shall receive the same salary and allowances as a deputy sheriff of San Diego County, and who shall be accorded the same grade classification for time served as a deputy sheriff of San Diego County, and in the event of any changes in the pay or allowances of deputy sheriffs of San Diego County, the pay schedules or allowances of said deputy marshals II shall be immediately made to conform in all respects with the pay schedule or allowances of said deputy sheriffs of San Diego County.

(b) Three deputy marshals I, female clerical, each of whom shall receive a monthly salary as provided in Schedule 2 of Section 73650.

SEC. 5. Section 73648 of said code is amended to read:

73648. (a) The clerk or marshal shall, on the effective date of the amendments to this article enacted by the Legislature at the 1957 Regular Session or as soon thereafter as practicable, assign each of his deputies, attaches, or employees to a position prescribed in this article which is comparable in duties to the position held by such deputy, attache, or employee immediately prior to the effective date of such amendments. Each clerk, marshal, deputy, attache, or employee shall receive the added compensation provided in this article, including increments for continuous service in such prior positions in the court. No further examination or qualification shall be required of deputies, attaches, or employees assigned pursuant to this article. Assignments

(b) In addition to the compensation provided in this article the clerk, marshal and attaches of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. Such privileges and benefits shall be retroactively applied. The judge or a majority of the judges of the municipal court may adopt rules for the conduct of, and personnel privileges to be afforded to, the personnel of their court; or a majority of all of the municipal court judges in the county, convened from time to time by the presiding judge of the municipal court district which embraces the county seat, may adopt uniform rules for such purposes relative to the personnel serving the municipal courts in the county; and for that purpose they may adopt in whole or in part the provisions of any county ordinance applicable to employees of the county, except where the same may be in conflict with any provisions of the State Constitution or laws relating to municipal courts and attaches of such courts. Attaches may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county. Privileges and benefits

(c) Notwithstanding the provisions of Section 71183, a person appointed by the marshal or clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the ninety-first day after the final ad- Temporary position

journment of a regular session of the Legislature, may be appointed by such marshal or clerk to a like permanent position in such marshal's office or clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such marshal's office or clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

Position titles

(d) Where in the clerk's office or marshal's office titles of positions in effect immediately prior to the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 73642, 73643, 73644 and 73645.

SEC. 6. Section 73649 of said code is amended and renumbered to read:

Compensation

73650. The compensation of the clerk and marshal of the municipal court and their deputies shall be as follows:

Schedule	A	B	C
1	$300	$315	$330
2	360	380	400
3	445	465	485
4	590	620	650
5			

(a) 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.

(b) 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. 7. Section 73950 of said code is amended to read:

Applicability

73950. This article applies to the municipal court of the Oceanside Judicial District.

SEC. 8. Section 73952 of said code is amended to read:

Clerk

73952. There shall be one clerk, who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

SEC. 9. Section 73953 of said code is amended to read:

Deputy clerks

73953. The clerk may appoint with the approval of the judge:

(a) One chief deputy clerk who shall receive a monthly salary as provided in Schedule No. 3 of Section 73650.

(b) Six deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

(c) Two junior deputy clerks, each of whom shall receive a monthly salary as provided in Schedule 1 of Section 73650.

SEC. 10. Section 73954 of said code is amended to read:

Marshal

73954. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

SEC. 11. Section 73955 of said code is amended to read:

Deputy marshals

73955. The marshal may appoint with the approval of the judge:

(a) Four deputy marshals II, each of whom shall receive the same salary and allowances as a deputy sheriff of San Diego County, and who shall be accorded the same grade classification for time served as a deputy sheriff of San Diego County, and in the event of any changes in the pay or allowances of deputy sheriffs of San Diego County, the pay schedules or allowances of said deputy marshals II shall be immediately made to conform in all respects with the pay schedule or allowances of said deputy sheriffs of San Diego County.

(b) Three deputy marshals I, female clerical, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

SEC. 12. Section 73957 of said code is amended to read:

Sessions

73957. The municipal court shall hold sessions in the City of Oceanside only.

SEC. 13. Section 73958 of said code is amended to read:

Assignments

73958. (a) The clerk or marshal shall, on the effective date of the amendments to this article enacted by the Legislature at the 1957 Regular Session or as soon thereafter as practicable, assign each of his deputies, attaches, or employees to a position prescribed in this article which is comparable in duties to the position held by such deputy, attache, or employee immediately prior to the effective date of such amendments. Each clerk, marshal, deputy, attache, or employee shall receive the added compensation provided in this article, including increments for continuous service in such prior positions in the court. No further examination or qualification shall be required of deputies, attaches, or employees assigned pursuant to this article.

Privileges and benefits

(b) Notwithstanding any provisions of law to the contrary, in addition to the compensation provided in this article, the clerk, marshal, and attaches of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and leaves of absence, and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate

in any group accident, health or life insurance plan adopted by the board of supervisors of said county. Such privileges and benefits shall be retroactively applied.

Temporary positions

(c) Notwithstanding the provisions of Section 71183, a person appointed by the marshal or clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the ninety-first day after the final adjournment of a regular session of the Legislature, may be appointed by such marshal or clerk to a like permanent position in such marshal's office or clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such marshal's office or clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

Position titles

(d) Where in the clerk's office or marshal's office titles of positions in effect immediately prior to the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 73952, 73953, 73954 and 73955.

SEC. 14. Section 74742 of said code is amended to read:

Clerk

74742. There shall be one clerk, who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

SEC. 15. Section 74743 of said code is amended to read:

Deputy clerks

74743. The clerk may appoint with the approval of the judge:

(a) One chief deputy clerk who shall receive a monthly salary as provided in Schedule No. 3 of Section 73650.

(b) Four deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

(c) Two junior deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 1 of Section 73650.

SEC. 16. Section 74744 of said code is amended to read:

Marshal

74744. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

SEC. 17. Section 74745 of said code is amended to read:

Deputy marshals

74745. The marshal may appoint with the approval of the judge:

(a) Four deputy marshals II, each of whom shall receive the same salary and allowances as a deputy sheriff of San Diego County, and who shall be accorded the same grade classification for time served as a deputy sheriff of San Diego County, and in the event of any changes in the pay or allowances of deputy sheriffs of San Diego County, the pay schedules or allowances of said deputy marshals II shall be immediately made to conform in all respects with the pay schedule or allowances of said deputy sheriffs of San Diego County.

(b) Three deputy marshals I, female clerical, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

SEC. 18. Section 74748 of said code is amended to read:

74748. (a) The clerk or marshal shall, on the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session or as soon thereafter as practicable, assign each of his deputies, attaches, or employees to a position prescribed in this article which is comparable in duties to the position held by such deputy, attache, or employee immediately prior to the effective date of such amendments. Each clerk, marshal, deputy, attache, or employee shall receive the added compensation provided in this article, including increments for continuous service in such prior positions in the court. No further examination or qualification shall be required of deputies, attaches, or employees assigned pursuant to this section. Assignments

(b) In addition to the compensation provided in this article, the clerk, marshal and attaches of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and leaves of absence, and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. Such privileges and benefits shall be retroactively applied. Privileges and benefits

The judge or a majority of the judges of any municipal court may adopt rules for the conduct of, and personnel privileges to be afforded to, the personnel of their court; or a majority of all of the municipal court judges in the county, convened from time to time by the presiding judge of the municipal court district which embraces the county seat, may adopt uniform rules for such purposes relative to the personnel serving the municipal courts in the county; and for that purpose they may adopt in whole or in part the provisions of any county ordinance applicable to employees of the county, except where the same may be in conflict with any provisions of the State Constitution or laws relating to municipal courts and attaches of such courts. Attaches may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

(c) Notwithstanding the provisions of Section 71183, a person appointed by the marshal or clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the ninety-first day after the final ad- Temporary positions

journment of a regular session of the Legislature, may be appointed by such marshal or clerk to a like permanent position in such marshal's office or clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such marshal's office or clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

Position titles

(d) Where in the clerk's office or marshal's office titles of positions in effect immediately prior to the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 74742, 74743, 74744 and 74745.

CHAPTER 2052

An act to add Chapter 5 to Part 6 of Division 6 (commencing at Section 12880) of the Water Code, declaring the policy of the State, relating to financial assistance to public agencies in the construction of water development projects.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Chapter 5 is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 5. STATE FINANCIAL ASSISTANCE FOR LOCAL PROJECTS

Financial assistance. Water projects construction

12880. In furtherance of the development, control and conservation of the water resources of the State it is the policy of the State to provide financial assistance to public agencies for the construction of projects for water development in which there is a state-wide interest by making grants or loans, or both, and by participating in the construction and operation of such projects, in accordance with this section.

(a) As used in this section, "project" means any construction or improvement by a public agency for flood control, for the diversion, storage, distribution or other use of water primarily for domestic, municipal, agricultural, or industrial purposes, and for the production of power. "Public agency" means any city, county, district or other political subdivision of the State.

(b) The proposed project may be approved for assistance only if it is determined that the project substantially conforms to The California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance that the public agency can repay it.

(c) Grants in furtherance of a project may be made for the following purposes:

(1) For the part of the construction cost properly allocated to the preservation and enhancement of fish and wildlife incidental to the primary functions of the project.

(2) For the part of the construction cost properly allocated to recreational benefits of state-wide interest that are incidental to the primary functions of the project.

(3) In special circumstances, grants may be made for other parts of the construction cost in which there is determined to be a state-wide interest.

(d) Loans in furtherance of a project may be made only for that portion of the cost of a project which the Districts Securities Commission certifies to be beyond the reasonable financial ability of the public agency and for which funds cannot be obtained from other sources.

(e) Loans shall be repayable over a period not to exceed 50 years, excluding a limited period of development in special instances. Loans shall be made upon such terms as may be prescribed by the Legislature.

(f) If in order to accomplish the objectives of The California Water Plan it is necessary to construct a project that is beyond the requirements of the public agency constructing the project, the State may participate in financing those costs of the project in excess of the costs necessary to meet the requirements of the public agency, on terms agreed upon with the agency, to the end that the project to be constructed and operated shall accomplish the maximum water development objectives at a minimum total expenditure.

(g) Applications for loans or grants or financial participation by the State shall be made to the Department of Water Resources in such form and with such supporting material as may be prescribed by the department. A report on each application shall be prepared by the department and filed with the Legislature. In such reports the department shall make findings as to the nature and extent of the state-wide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project

(h) State grants or loans for a proposed project may be made only upon specific authorization by the Legislature.

(i) Nothing contained in this chapter shall be construed to expand the powers of any public agency otherwise granted by law.

CHAPTER 2053

An act to add Section 9653 6 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 9653.6 is added to the Revenue and Taxation Code, to read:

Exception

9653 6. The tax imposed by this part does not apply to the transportation operations of a construction contractor carried on by him incident to the performance of a written public works lump sum or public works cost-plus-a-fee construction contract.

Clarification of existing law

SEC. 2. This act is hereby declared to be a clarification of the law and a continuation of administrative construction as expressed in Section 1419, Title 18, California Administrative Code

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CHAPTER 2054

An act to amend Section 1203 of the Penal Code, relating to probation.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 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 there-

upon 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.

In every misdemeanor case, the court may, at its option refer the matter to the probation officer for investigation and report or summarily deny probation or summarily grant probation.

The Legislature hereby expresses the policy of the people of the State of California to be that, except in unusual cases where the interest of justice demands a departure from the declared policy, no judge shall grant probation to any person who shall have been convicted of robbery, burglary or arson, 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 such person 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.

Probation shall not be granted to any person who shall have been convicted of burglary with explosives, rape with force or violence, 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 burglary with explosives, rape with force or violence, 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.

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 2055

An act to add Sections 433.5 and 1509.75 to the Military and Veterans Code, relating to property for use in civil defense.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 433.5 is added to the Military and Veterans Code, to read:

433.5. All state armories may be used for civil defense purposes on such terms and conditions as shall be mutually agreeable to the Military Department and the California Disaster Office.

State armories

SEC. 2. Section 1509.75 is added to said code, to read:

1509.75. The California Disaster Office shall be permitted such use of all state and local fair properties as conditions require.

California Disaster Office

CHAPTER 2056

An act to amend Sections 3211.92 and 4353 of the Labor Code, relating to workmen's compensation for disaster service workers.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3211.92 of the Labor Code is amended to read:

3211.92. "Disaster service worker" means any natural person who is registered with a disaster council for the purpose of engaging in disaster service pursuant to the California Disaster Act and the Civil Defense Act of 1950 without pay or other consideration.

"Disaster service worker"

"Disaster service worker" includes volunteer civil defense workers and public employees and also includes any unregistered person impressed into service during a state of disaster or a state of extreme emergency by a person having authority to command the aid of citizens in the execution of his duties.

Persons registered with a disaster council at the time such council becomes accredited need not reregister in order to be entitled to the benefits provided by Chapter 10 of this part.

"Disaster service worker" does not include any male registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the county, city, town or district in which such fire department is located.

Compensation for injury

SEC. 2. Section 4353 of said code is amended to read:

4353. Compensation shall be furnished to a disaster service worker for any injury suffered either within or without the State arising out of and occurring in the course of his activities as a disaster service worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions concur:

(a) Where, at the time of the injury the disaster service worker is performing services as a disaster service worker, and is acting within the course of his duties as a disaster service worker.

(b) Where, at the time of the injury the disaster council with which the disaster service worker is registered is an accredited disaster council or the disaster service worker is an unregistered person impressed into service during a state of disaster or a state of extreme emergency by a person having authority to command the aid of citizens in the execution of his duties.

(c) Where the injury is proximately caused by his service as a disaster service worker, either with or without negligence.

(d) Where the injury is not caused by the intoxication of the injured worker.

(e) Where the injury is not intentionally self-inflicted.

CHAPTER 2057

An act to amend Section 868 of the Fish and Game Code, and Section 8623 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to nets.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

Yellowtail, etc.

SECTION 1. Section 868 of the Fish and Game Code is amended to read:

868. It is unlawful to use any purse seine or round haul net to take yellowtail, barracuda or white sea bass. 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 867, on any boat carrying or using any purse seine or round haul net including, but not limited to, bait nets as described in Sec-

tion 919. 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. Bait net

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 868 of the Fish and Game Code adopted in 1933 is repealed. Effect Stats 1957, Ch 456

CHAPTER 2058

An act making an appropriation for the construction of a building for use of the Division of Farm and Home Purchases of the Department of Veterans Affairs, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. The sum of eighty thousand dollars ($80,000), or so much thereof as may be necessary is hereby appropriated from any surplus money in the Veterans' Farm and Home Building Fund of 1943 in excess of money therein that was derived from the sale of bonds, to be expended by the Department of Veterans Affairs for the construction of a building for use by the Division of Farm and Home Purchases, to be located on the Woman's Relief Corps Home property in Santa Clara County.

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 has been a great delay in all California veterans' farm and home loans because of inadequate office space to house the personnel needed to process loan applications more rapidly. This condition is especially acute in the San Jose office, which serves four counties, and a sufficient number of employees cannot be obtained until additional office space is available. The construction must be commenced as soon as possible in order to make loans promptly available to veterans.

CHAPTER 2059

An act to add Section 7727.5 to the Education Code, relating to state school building aid, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 7727.5 is added to the Education Code, to read:

7727.5. Whenever a conditional apportionment is made to an applicant school district under this chapter which requires the district to issue and sell bonds of the district and contribute the proceeds thereof to the project for which the application for an apportionment is made and, thereafter, such apportionment becomes final as a result of an erroneous certification of the county superintendent of schools made prior to the effective date of this section to the effect that the bonds of the district have been issued and sold and the proceeds thereof made available for the purposes of the application for the apportionment, and whenever the amount of the bonds of the applicant school district actually issued and sold and the proceeds thereof made available for the purposes of the apportionment was 98 percent or more of the total amount required by the board as a condition to the apportionment becoming final, then the Director of Finance shall include in his certification to the State Controller the amount of the principal and interest on such portion of the bonded indebtedness of such district as the Director of Finance determines the proceeds thereof were actually contributed toward the cost of a construction project subsequently approved by the board and for which an apportionment has been made to the district under this chapter.

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

The rapid increase in numbers of children of school age make imperative the undertaking of immediate work to expand school facilities in many California communities. Certain school districts which are in dire need of the funds provided by conditional apportionments have experienced great delay in their construction pending the enactment of legislation which would permit adjustments to be made for the districts' failure, in minor and technical respects, to comply with the conditions on apportionments, and which would make funds immediately available. To avoid all additional delay in beginning school construction programs it is essential that this act take effect immediately.

CHAPTER 2060

An act to amend Sections 7101.1 and 7101.2 of the Education Code, relating to the education of physically handicapped minors.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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:

Allowance for school districts

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 six hundred dollars ($600) 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 six hundred dollars ($600), 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:

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 six hundred dollars ($600) 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 six hundred dollars ($600), 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.

CHAPTER 2061

An act to amend Section 4753 of the Labor Code, relating to workmen's compensation.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 4753 of the Labor Code is amended to read:

Deductions

4753. Such additional compensation is not in addition to but shall be reduced to the extent of any monetary payments received by the employee, from any source whatsoever, for or on account of said pre-existing disability or impairment, except as to payments being made to the employee or to which he is entitled as a pension or other compensation for disability incurred in service in the armed forces of the United States, and except as to payments being made to him or to which he is entitled as assistance under the provisions of Chapter 1 of Part 2 of Division 2, or Chapter 1 of Division 3, or Chapter 2 of Division 4, or Division 5, of the Welfare and Institutions Code, and excluding from such monetary payments received by the employee for or on account of said pre-existing disability or impairment a sum equal to all sums reasonably and necessarily expended by the employee for or on account of attorney's fees, costs and expenses incidental to the recovery of such monetary payments.

The provisions of this section and Section 4751 as amended at the 1955 Regular Session of the Legislature shall apply only to disabilities resulting from an original subsequent injury sustained after this section and Section 4751 as amended at the 1955 Regular Session of the Legislature become effective; provided, however, that all rights presently existing under this section and Section 4751 shall be continued in force.

The amendments to this section and Section 4751 adopted at the 1955 Regular Session of the Legislature shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature. While such amendments are in effect they shall supersede the provisions of this section and Section 4751 as they existed prior to such amendments; but such provisions are not repealed by such amendments, and after such amendments are no longer effective shall have the same force as though such amendments had not been enacted. The Department of Finance and the Attorney General shall study and survey the operation and effect of this section and the financial consequences of the operation of this section and shall submit a report thereon to the Legislature at the commencement of the 1959 Regular Session.

CHAPTER 2062

An act to amend Sections 7303 and 7393 of, and to add Sections 7396.5, 7396.6, 7431.1 and 7432 to, and to repeal Section 7432 of, the Business and Professions Code, relating to cosmetology.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7303 of the Business and Professions Code is amended to read:

Terms and vacancies

7303. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualifications 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 member shall serve as a member of the board for more than two consecutive terms.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1940; two members, 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 occurring shall be filled by appointment within 60 days, and vacancies occurring during a term shall be filled for the unexpired term.

SEC. 2. Section 7393 of said code is amended to read:

Schools Supervision

7393. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed hairdresser and cosmetician or cosmetologist, who has had at least a total of three years' practical experience in the practice or teaching of all of the branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or a licensed school of cosmetology and who holds an instructor's permit.

Employees

Every person employed in a school of cosmetology to instruct students therein shall be a licensed hairdresser and cosmetician or cosmetologist (1) who has had either (a) one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or (b) 600 hours of teacher training in a school of cosmetology over a period of not less than four months and (2) who has passed an instructor's examination given by the board and has received an instructor's permit. In order to take the instructor's examination, the instructor's examination fee shall be paid.

Instructors

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work,

no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

Inspection — Before any school of cosmetology license, as provided herein shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

Equipment — No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of not less than 25 bona fide students; and provided further, that the floor space shall provide a separate lecture room and a separate locker room with sufficient space for the proper placement of said equipment.

Ownership — No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership and in this respect, if false statements are submitted to the board in connection with said application, this in itself shall constitute sufficient grounds for the refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of said school of cosmetology license even though it is detected after a license has been issued.

License denial — The board reserves the right to deny a school of cosmetology license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and in the event that the said applicant is a corporation, this shall apply to all the officers thereof; provided further, that no school of cosmetology license shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the said board and to transact all business negotiations in behalf of the said school, including answers to citations for hearing, and compliance with rulings issued by the said board.

Advertisement — No school of cosmetology shall advertise student work to the public for pay through any medium including radio, unless the work advertised is expressly designated as student work.

SEC. 3. Section 7396.5 is added to said code, to read:

School instructors — 7396.5. Every school of cosmetology, including those under the Public School System of this State, shall have at least two instructors and when the daily attendance for either day or night school averages more than 50 students for a period of three months, an additional instructor shall be engaged for each three months' average of 25 students after the first 50.

SEC. 4. Section 7396 6 is added to said code, to read:

Financial ability — 7396.6. No applicant shall be granted a license to operate a school of cosmetology unless he shall submit evidence satisfactory to the board of his financial ability to provide the facilities and equipment required by board regulation and to maintain the operation of the proposed school for a period of one year.

SEC. 5. Section 7431.1 is added to said code, to read:

7431.1. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment. Conviction

SEC. 6. Section 7432 of said code is hereby repealed. Repeal

SEC. 7. Section 7432 is added to said code, to read:

7432. 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. Insanity, etc

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CHAPTER 2063

An act to repeal Section 121.5 of the Welfare and Institutions Code, relating to hospital or infirmary care furnished to former recipients of public assistance.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 121.5 of the Welfare and Institutions Code is repealed.

CHAPTER 2064

An act to amend Section 157.5 of the Vehicle Code, relating to horseless carriages.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 157.5 of the Vehicle Code is amended to read:

157.5. Special License Plates for Vehicles of Historic Value. Notwithstanding any other provision of this code, any owner of a motor vehicle manufactured in the year 1922 or prior thereto, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special license plates for such motor vehicle in lieu of the regular license plates. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plates as may be prescribed by the department. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color.

Upon annual renewal of registration of such motor vehicles, they shall, until January 1, 1956, be issued symbols or devices instead of new license plates, as provided in Section 164 of this code, and thereafter they shall be issued new special license plates every fifth year, and during each intervening four-year period the department shall annually issue symbols or devices as provided in Section 164 of this code.

CHAPTER 2065

An act to repeal Section 75061 of, and to add Sections 75060.5, 75060.6, 75104.4 and 75104.5 to, the Government Code, relating to the retirement of judges.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

Repeal

SECTION 1. Section 75061 of the Government Code is hereby repealed.

SEC. 2. Section 75060.5 is added to said code, to read:

Retirement allowance

75060.5. Every judge retired under Section 75060, who on the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature is receiving a retirement allowance computed pursuant to Section 75061, shall, not-

withstanding the repeal of Section 75061, continue to receive such allowance pursuant to the terms of Section 75061 as if such section were not repealed and shall not receive the retirement allowance provided for by Section 75060 6.

SEC. 3. Section 75060.6 is added to said code, to read:

75060.6. Except as provided in Section 75060 5, every judge who retires pursuant to Section 75060 shall during the remainder of his life, receive an allowance equal to one-half of the salary payable, at the time the allowance falls due, to the judge holding the judicial office to which he was last elected by the people. The allowance shall be paid by the State at the times and in the manner provided for the payment of salaries of justices of the Supreme Court. Allowance computation

The Commission on Qualifications, in its discretion, and from time to time, may require any judge who is receiving an allowance under this section and who is under the age of 65 years to undergo medical examination. Such examination shall be made by a physician or surgeon, appointed by the Commission on Qualifications, at the place of residence of the judge or other place mutually agreed upon. Upon the basis of such examination the commission shall determine whether he is still incapacitated, physically or mentally, for service as a judge. If the commission determines, on the basis of the results of such medical examination, that he is not so incapacitated, his allowance shall be canceled forthwith. If such a judge subsequently retires pursuant to Section 75060, he shall receive a retirement allowance computed under this section. Any judge whose allowance is so canceled shall be a judicial officer 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 Section 75081. The provisions of Section 75081 are applicable to such a judge, except that the amount of the retirement allowance shall not be deducted from the amount paid such a judge while assigned to sit in a court and except that any other provision of Section 75081 which is inconsistent with this section shall not be applicable. The transfers and deductions required by Sections 75102 and 75103 shall be made with respect to the salary paid such a judge while he is so assigned. If such judge subsequently retires pursuant to Section 75025, the period of time he served while so assigned shall be included in the computation of years of service for the purpose of Section 75025. The provisions of this section and of Section 75060 are applicable to all judges of courts of record in this State. Medical examination

SEC. 4. Section 75104.4 is added to said code, to read:

75104 4. The surviving spouse of any judge who dies before retirement and after becoming eligible for retirement pursuant to Section 75025 or Section 75033 or who dies while serving as judge and has served as a judge for 30 years, shall receive an allowance equal to one-half of the amount of the unmodified retirement allowance that would be payable to the judge were he living and retired under this chapter. The allowance is Surviving spouse

payable commencing upon the death of the judge and continuing until the death or remarriage of the surviving spouse. If, pursuant to this section, an allowance is paid to the surviving spouse of a judge, no payment shall be made pursuant to Section 75104 or Section 75104.5.

SEC. 5. Section 75104.5 is added to said code, to read:

Beneficiaries

75104.5. Upon the death of a judge before retirement there shall be paid to his beneficiary, if he has designated one, and if not, to his estate, in addition to any other benefits provided by this Chapter or by Division 4 of the Labor Code, an amount equal to one-twelfth of the annual compensation of such judge during the 12 months immediately preceding his death, multiplied by the completed number of years of service as a judge, but not to exceed one-half of such annual compensation. The benefit accorded by this section is not payable if the deceased judge's spouse survives him and is entitled to receive an allowance for life pursuant to the provisions of this chapter.

CHAPTER 2066

An act to add Chapter 3.5 (commencing with Section 50701) to Part 1, Division 1, Title 5, of the Government Code, relating to the powers and duties of local agencies and the legislative bodies thereof, and authorizing the acquisition, construction, maintenance and development of public improvements and the issuance and sale of revenue bonds to finance the same and providing for the use and expenditure of the proceeds of such bonds and the use and disposition of revenue arising from public improvements so financed.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Chapter 3.5 is added to Part 1 of Division 1, of Title 5, of the Government Code, to read:

CHAPTER 3.5. REVENUE BONDS FOR PUBLIC IMPROVEMENTS

Article 1. Authority

Purposes

50701. Subject to the provisions of this chapter, the board of a local agency may undertake and issue revenue bonds to finance the following public improvements:

(a) 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.

(b) The acquisition, construction, maintenance and operation of facilities for the public convenience in conjunction with any public golf course.

A local agency may not condemn property for the purposes of this chapter.

"Project" 50702. Each separate improvement shall be designated as a "project."

Report 50703. If in the opinion of the board, it is advisable that any project be acquired, constructed or completed, in whole or in part, it shall cause a report thereon to be made by any appropriate officer or officers of the local agency, 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 the construction;

(b) An estimate of probable sources of income and the amount thereof;

(c) An estimate of the cost of maintenance and for the operation upon completion, including the cost of all repairs, administrative and overhead charges.

The expense of the preparation of the report shall be a local agency charge and shall be paid by the board out of any funds of the local agency available therefor.

Approval 50704. If the report is approved by the board, the board may adopt a resolution declaring that the public interest and necessity demand the acquisition, construction or completion of the project or of a designated part thereof, the purpose, nature and extent of which shall be described in general terms, and authorizing such acquistion, construction or completion. The board may thereupon authorize the issuance of revenue bonds for the purpose of obtaining funds in an amount estimated by the board to be sufficient for such project or part thereof.

Powers of board 50705. The board has full charge of the acquisition, construction and completion of all projects authorized by it and may proceed with such work subject to the availability of funds therefor.

Proceedings 50706. The board may institute any proceedings and acquire all real property necessary therefor on such terms and conditions as it deems advisable.

Whenever the cost of construction of any project or the cost of any repairs thereto shall exceed two thousand five hundred dollars ($2,500), such work shall be done by contract, and any contract therefor shall be void unless the same shall be let in the manner provided by Sections 25451 to 25455, inclusive in the case of a county, and Sections 37903 to 37907, inclusive, and Sections 37931 to 37935, inclusive, in the case of a city.

Split projects 50706.5. It is unlawful to split or separate into smaller work orders or projects any project undertaken pursuant to this chapter for the purpose of evading any provisions of this

chapter which require such work to be done by contract after competitive bidding. Every person who wilfully violates the provisions of this section is guilty of a misdemeanor.

Property title

50707. Title to all property acquired under this chapter and the revenue and income therefrom shall be in the name of the local agency. The title to such property and the revenue and income therefrom including any miscellaneous revenues, sinking funds, reserve funds and other such funds and the income therefrom pledged to the payment of and interest of any bonds issued hereunder is subject to the trusts created by this chapter in favor of the bondholders. All such property and the income therefrom is exempt from all taxation by the State or by the county or by any city and county, city, municipality, district, political subdivision or public corporation thereof. The management, operation and control of all improvements acquired, constructed or completed by the board under this chapter shall be fixed in the board and the powers, rights, functions and duties of the board with respect thereto shall not be impaired or interfered with.

Project control

50708. So long as any bonds issued are outstanding and unpaid, the operation, maintenance, control, repair, construction, alteration and improvement of any project acquired, constructed or completed under this chapter is vested in the board.

Bond proceeds

50709. The board may only use for the payment of the acquisition, construction, completion, maintenance, or insurance of any project undertaken under the authority of this chapter, the proceeds of revenue bonds issued and sold by the board, or the revenues from such project.

Insurance: Damage

50710. The board may insure against any accident to or destruction of any project or any part thereof. Any money collected on such insurance shall be used for the purpose of repairing or rebuilding the project damaged, injured or destroyed or for the retirement of any revenue bonds issued in connection therewith which may be outstanding or unredeemed, as may be agreed upon by the board in the indenture authorizing the issuance of the bonds.

Same: Revenue

50711. The board may insure against loss of revenue from any cause whatever and the proceeds of such insurance shall be used solely for the payment of the bonds and interest thereon.

Same Liability

50712. The board may insure against public liability or property damage in connection with any project. 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.

Alternative procedure

50713. This chapter provides an alternative procedure to that otherwise provided by law for undertaking the improvements authorized herein and shall not operate to limit or control the authority of the board to undertake the same improvements in any other manner authorized by law.

Article 2. Revenue Bonds

Obligation

50715. The board shall issue revenue bonds in the name of the local agency. These bonds shall constitute obligations of the project only, and neither the payment of the principal or interest of any such bond constitutes a debt, liability or obligation of the local agency or of the State of California. All bonds issued by the board shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation of the local agency or of the State.

Form, etc

50716. The board shall determine the time, form and manner of the issuance of revenue bonds.

Indentures

50717. The board 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 therof, is sufficient to incorporate all of the provisions thereof and of this chapter into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this chapter, and is bound thereby.

Indenture provisions
Covenants

50718. An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the board as the board deems necessary or advisable for the better security of the bonds issued thereunder.

Principal

50719. An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

Operation

50720. An indenture may include a clause relating to the bonds issued thereunder requiring the board to continuously operate all improvements acquired, constructed, or completed, in whole or in part, from the proceeds of the bonds in an efficient and economical manner.

Repairs

50721. An indenture may include a clause relating to the bonds issued thereunder requiring the board to make all needful and necessary repairs, renewals and replacements to any improvements and to keep them at all times in good repair, working order and condition.

Security

50722. An indenture may include a clause relating to the bonds issued thereunder requiring the board to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

Claims

50723. An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay and

discharge or cause to be paid and discharged from the funds available for that purpose 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 of the physical properties thereof which might impair the security of the bonds.

Encumbrances

50724. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the board to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of such improvement, 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.

Tolls, etc

50725. An indenture may include a clause relating to the bonds issued thereunder requiring the board to fix, prescribe and collect fees, rates, tolls, rentals or other charges in connection with the services and facilities furnished from the improvements acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the improvements, 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.

Revenue trust

50726. An indenture may include a clause relating to the bonds issued thereunder requiring the board to hold in trust the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

Proceeds

50727. An indenture may include a clause limiting the power of the board to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any improvement or any part thereof, or more than one of such improvements.

Additional bonds

50728. An indenture may include a clause limiting the power of the board to issue additional bonds for the purpose of acquiring, constructing or completing any improvement or any part thereof.

Insurance

50729. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the board on any improvement, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

Default

50730. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

Breach of covenant

50731. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the board of any of the covenants, conditions, or obligations contained in any indenture.

Amendment of indenture

50732. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the board 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 board may agree that bonds held by the board, by any department, political subdivision or agency of the State of California, or by any public corporation, municipality, district or political subdivision shall not be counted as outstanding bonds, or be entitled to vote or assent but shall nevertheless, be subject to any such modification or amendment.

Other provisions

50733. The 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.

Trustee for bondholders

50734. The board may designate a bank or trust company, qualified to do business in this State, as a trustee for 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.

Duties of board

50735. The board 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 bondholders. The board shall prescribe the duties and powers of such trustee with respect to the payment of principal and interest on the bonds, 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.

Series or divisions

50736. The board may issue bonds in series or may divide any issue into one or more divisions and fix different maturities

or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the board, at or prior to the issue thereof. The board may provide for successive issues or may provide for one maximum issue.

Coupons or registered bonds

50737. Bonds may be issued as coupon bonds or as registered bonds. The board 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 board may determine.

Interest

50738. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the board may fix limitations or restrictions on the payment of interest.

Call or redemption

50739. Bonds may be callable upon such terms, conditions, and upon such notice as the board may determine, and upon the payment of the premium fixed by the board in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

Payment

50740. The board 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.

Authentication

50741. The board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the board. 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.

Dates

50742. Bonds shall bear dates prescribed by the board. Bonds may be serial bonds or sinking fund bonds with such maturities as the board may determine. No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Terms and conditions for sale

50743. The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The board 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.

Security

50744. The board may provide for the security of bonds.

Interest

50745. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

Lien

50746. The board may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of any project acquired, constructed or completed from the proceeds thereof as may be provided for in the indenture.

Interim bonds

50747. Pending the actual issuance or delivery of revenue bonds, the board may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

Tax exemption

50748. All bonds, and the interest or income therefrom, are exempt from all taxation in this State other than gift, inheritance and estate taxes.

Certification by Districts Securities Commission

50749. The bonds issued under this chapter shall be subject to investigation and certification by the California Districts Securities Commission under the Districts Securities Commission Law as such law 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 provided in the Districts Securities Commission Law.

Refunding bonds

50750. The board may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the board. All provisions of this chapter applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance sale or exchange thereof.

Amount

50751. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will

be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

Negotiability

50752. All bonds issued under the provisions of this chapter are negotiable instruments, except when registered in the name of a registered owner.

Proceeding

50753. Prior to the issuance of any bonds, the board may commence in the superior court of the State of California in and for the county, in which the local agency is situated, 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 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 chapter. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the local agency and the State of California.

Article 3. Rental Rates, Charges and Fees

Fixing of rates, etc.

50760. The board shall fix the rental rates, fees and all other charges to be made for all facilities furnished, acquired, constructed or completed under this chapter for the use thereof by any persons utilizing such facilities. Subject to such contractual obligations as may be entered into by the board and the holders of the revenue bonds issued under this chapter, the board is authorized to change such rental rates, charges and fees from time to time as conditions warrant. All rental rates, fees and charges shall be at all times fixed to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding in connection with the project of which such facilities are a part as the same become due. The bond redemption and interest payments shall constitute a first, direct and exclusive charge and lien on all such rentals, fees and charges and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of the project for the acquisition, construction or completion of which such revenue bonds were issued, and all such rentals, fees and charges and other revenues, together with the interest thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. The board may provide that the rental rates, fees and charges established are minimum rental rates, fees and charges and subject to increase or decrease in accordance only with the terms of the indenture under which the revenue bonds were issued.

50761. The board may lease concessions for a period of time not exceeding 10 years as may be agreed upon by the contracting parties with or without advertising for bids. Concessions

50762. Every contract entered into by the board for the use of any project or part thereof, acquired, constructed or completed from the proceeds of the sale of revenue bonds shall incorporate by reference the provisions of any indenture pursuant to which the bonds were issued. Every such contract or lease shall also refer to the provisions of this chapter with respect to the obligation of the board to fix rental fees and charges to meet the payments provided for in this chapter and in the proceedings for the issuance of revenue bonds and all payments required to be made to the board under such contract shall be subject to increase if and when the board is required to increase rates or charges to meet its obligations hereunder and under any indenture providing for the issuance of bonds. Contract provisions

Article 4. Competitive Projects

50765. The board may include, in an indenture for the issuance of revenue bonds, a clause that no competitive projects will be acquired or constructed by the board as long as any of the bonds issued under any such indenture are outstanding. Such limitation shall be valid and binding upon the board. Acquisition by board

50766. The board may also include in an indenture for the issuance of bonds a clause that no project acquired, constructed or completed from the proceeds of revenue bonds shall be used without charge therefor or be furnished free of charge to any person, including the State of California or any political subdivision thereof, or any public corporation or individual, other than employees of the board or of another public body actually engaged in rendering service to the board in connection with the project. Free service

Article 5. Rights of Bondholders

50770. The holder of any bond issued pursuant to this chapter may by mandamus or other appropriate proceeding, require and compel the performance of any of the duties imposed upon the board or its officers, agents or employees in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any project or the collection, deposit, investment, application and disbursement of rates, charges, fees and all other revenues derived from the operation and use of any project, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this chapter. Mandamus, etc.

50771. While any revenue bonds issued by the board remain outstanding, the powers and duties of the board shall not be diminished or impaired in any manner that will ad- Duties, etc., of board

versely affect the interest and rights of the holders of the bonds.

Article 6. Contributions and Cooperation

Federal, etc., aid

50786. The board 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 city, city and county, political subdivision, agency, district or other public corporation of this State.

Cooperation

50787. The board may enter into any contract, arrangement or agreement with the United States, the State or any other municipal corporation or public agency and may cooperate with the United States, the State or any other municipal corporation or public agency for the development, maintenance, operation or use of any project authorized by this chapter.

50788. The board may cooperate and contract with the United States under the War Mobilization and Reconversion Act of 1944, approved October 3, 1944, and any acts amendatory or supplemental thereto or any other act of Congress heretofore or hereafter enacted, authorizing or permitting such cooperation.

Services

50789. The board may authorize or direct any officer, employee or department of the local agency to perform services for or in connection with the development, construction, maintenance or operation of any project and the cost of such services shall be a charge against the appropriate project fund.

The board shall not authorize, direct, or permit any local agency officer, employee or department of the local agency to render any services for or in connection with any project or to incur any cost or expense for or in connection with or in aid of any project until funds are available either from the proceeds of the sale of bonds authorized for the project or from the revenues thereof for the payment of such cost or expense and all costs and expenses incurred by the local agency or by any officer, employees or department thereof for or in connection with or in aid of any project constitute a charge against the appropriate project and shall be paid from the appropriate fund of such project in the same manner as other costs and expenses incurred in connection with such project are paid.

Land

50790. The board may provide for the construction, maintenance and operation of any project upon any lands owned by the local agency without regard to the manner in which such lands were acquired, and if such lands were acquired other than through the issuance of revenue bonds authorized for the particular project, the board shall fix a reasonable rental for the use of such lands, which rental shall be a charge against the appropriate funds of the project and shall be payable into the general or other appropriate fund of the local agency.

Article 7. Funds

Bond proceeds

50793. The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid into the treasury of the local agency to the credit of the construction fund which the treasurer is hereby directed to establish for the particular project for which the bonds were authorized. The moneys in the construction fund shall be kept separate and apart from all other funds in the treasury of the local agency and shall be paid out and disbursed on the order of the board in the same manner that other funds are paid out and disbursed from the treasury of the local agency solely for the construction of the particular project for which the bonds were authorized, including preliminary reports, surveys, preparations, plans and specifications 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 and administrative costs as provided by the board in the proceedings for the issuance of such bonds.

Surplus

50794. If any surplus shall exist in the construction fund after the payment in full of all costs of acquisition, construction and completion of the project for which the revenue bonds were issued, the same may be paid out and disbursed for any of the purposes provided for in this chapter or in any agreement which may be made by the board in any indenture for the issuance of the revenue bonds.

Interest payment

50795. The board may provide for the payment of the interest becoming due and payment on the principal of revenue bonds prior to and during the period of actual construction of the project 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 years after the completion of construction and for the payment of all costs and expenses of administration during a period of one year after the completion of construction of the project out of the construction fund as the need therefor may arise and moneys in the construction fund are hereby made available for such purposes.

Investment

50796. Moneys in the construction fund 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.

Revenues from projects

50797. All revenues received from the operation of the project acquired, constructed or completed by the board shall be paid into the treasury of the local agency to the credit of the revenue fund which the treasurer is hereby directed to establish for the particular project for which the bonds were

authorized. The moneys in the revenue fund shall be paid out and disbursed for the payment of the principal and interest on all bonds issued by the board for the particular project producing the revenue 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 board in the proceedings for the issuance of said bonds and also for the payment of all costs and expenses for the maintenance, operation and insurance of the project, engineering and administrative costs and for all repairs and replacements and other costs and expenses incurred in connection with such project.

Article 8. Definition and General Provisions

Liberal construction

50798. This chapter shall be liberally construed to carry out its objects and purposes and to finance the construction of needed public improvements through the medium of revenue bonds and to protect the holders of such bonds.

"Bonds"

50798.1. "Bonds" as used in this chapter means the written evidence of any obligation incurred by the board payable out of revenues as provided in this chapter in order to secure funds with which to carry out the purposes of this chapter irrespective of the form of such obligation whether in the form of bonds, notes, debentures, interest bearing certificates or other forms prescribed by the board.

"Revenue"

50798.2. "Revenue" as used in this chapter shall mean all fees, rates, charges, rentals or other income and revenue actually received or receivable by or for the account of the board from the operation of any particular project including without limiting the generality of the foregoing interest allowed on any moneys or securities and any proceeds derived from the sale of any securities and any consideration in any way derived from the particular project owned, operated or maintained by the board.

"Board"

50798.3. "Board" as used in this chapter means the board of supervisors in the case of a county or city and county, and city council or board of trustees in the case of a city.

Operative date

50798.4. This chapter shall not be operative in any local agency until the board, either at a general or a special election, shall submit to the electors of the local agency the question as to whether the board shall be authorized to adopt the revenue-bond method of financing for the improvements referred to in this chapter.

If a majority of the electors voting upon the question vote in favor of the revenue-bond method of financing the said improvements, the board may proceed to undertake and finance the improvements as provided for herein.

If a majority of the electors voting upon the question vote against the revenue-bond method of financing the said improvements, the board shall not again submit the question to the electors until a period of at least six months has elapsed since the date of the last election at which the question was submitted.

CHAPTER 2067

An act to amend Section 6576 of, and to add Section 6597 to, and to repeal Sections 6527.1, 6534.5, and 6550.6 of, the Business and Professions Code, relating to barbers.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Sections 6527.1, 6534.5, and 6550.6 of the Business and Professions Code are hereby repealed. Repeals

SEC. 2. Section 6576 of said code is amended to read:

6576. Convicton of any crime involving moral turpitude constitutes a cause for disciplinary action. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction. Convictions

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the 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. Equivalent pleas

SEC. 3. Section 6597 is added to said code, to read:

6597. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental hospital of any certificate holder for a mental illness shall operate as a suspension of the right to practice of any certificate holder under this chapter, such suspension to continue until restoration to or 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; 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. Insanity, etc

CHAPTER 2068

An act to add Section 14631.1 to, and to amend Sections 14633 and 14641 of, the Education Code, relating to the State Teachers' Retirement System.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 14631.1 is added to the Education Code, to read:

Retirement allowances

14631.1. Retirement allowances payable for time commencing on October 1, 1957, are hereby increased to the amount they would be if the provisions of Sections 14633 and 14641 as they exist on that date had been in effect on July 1, 1956.

This section does not authorize any decrease in any retirement allowance, nor does this section give any retired person, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to October 1, 1957.

SEC. 2. Section 14633 of said code is amended to read:

Computation of amount

14633. The retirement allowance in Section 14632, exclusive of the annuity in subdivision (c) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall be, by increase in the annuity under the Retirement Annuity Fund, at least seventy dollars ($70) per year, multiplied by the member's years of service, not to exceed forty (40); provided, the retired member is at least 60 years of age at the time of retirement. If retirement is at an age less than 60 years, the minimum retirement allowance under this section is an amount equal to a fraction of the minimum retirement allowance calculated under the preceding sentence, said fraction being that set forth in Section 14635 opposite the member's age at retirement, taken to the preceding completed quarter year, in the column applicable to the member's sex. For any member under retirement who re-enters membership in the retirement system and subsequently retires, the lesser age to be taken to the preceding quarter year, in the next preceding sentence, for calculating the minimum retirement allowance under this section, shall be determined by deducting from the member's age at the subsequent retirement, the aggregate time during which the member was under retirement prior to re-entry into membership in the system; provided, however, that the fraction to be taken at such adjusted lesser age shall not be less than nine-tenths if the subsequent and prior retirements were for disability. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the final compensation of the retired member.

SEC. 3. Section 14641 of said code is amended to read:

14641. When a member who has been retired and has thereafter re-entered membership in the Retirement System, subsequently retires, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14632, or 14639, according to whether retirement is for service or disability, but shall receive (1) an annuity, based upon his salary earned in service from the date of re-entry into the Retirement System to the date of his subsequent retirement, and calculated under Section 14632 or 14639, as the case may be, plus (2) annuities equal to the annuities he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the Retirement System; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next preceding said re-entry were based, but calculated under Section 14632 regardless of whether retirement is for service or disability, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, however, that such adjusted age shall be taken at not less than 58 for males or 58½ for females if the subsequent and prior retirements were for disability. Prior retirement

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14632 or 14639, according to whether retirement is for service or disability, but shall receive (1) a retirement salary, based upon his credited service from the date of re-entry into the Retirement System to the date of his subsequent retirement, and calculated under Section 14632 or 14639, as the case may be, plus (2) a retirement salary equal to the retirement salary he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the Retirement System; otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14632, regardless of whether retirement is for service or disability on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

SEC. 4. This act shall become operative on October 1, 1957. Operative date

CHAPTER 2069

An act to add Section 14631.1 to, and to amend Sections 14633 and 14641 of, the Education Code, relating to the State Teachers' Retirement System.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 14631.1 is added to the Education Code, to read:

Retirement allowance

14631.1. Retirement allowances payable for time commencing on October 1, 1957, are hereby increased to the amount they would be if the provisions of Sections 14633 and 14641 as they exist on that date had been in effect on July 1, 1956.

This section does not authorize any decrease in any retirement allowance, nor does this section give any retired person, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to October 1, 1957.

SEC. 2. Section 14633 of said code is amended to read:

Computation of amount

14633. The retirement allowance in Section 14632, exclusive of the annuity in subdivision (c) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall be, by increase in the annuity under the retirement annuity fund, at least seventy dollars ($70) per year, multiplied by the member's years of service, not to exceed forty (40); provided, the retired member is at least 60 years of age at the time of retirement. If retirement is at an age less than 60 years, the minimum retirement allowance under this section is an amount equal to a fraction of the minimum retirement allowance calculated under the preceding sentence, said fraction being that set forth in Section 14635 opposite the member's age at retirement, taken to the preceding completed quarter year, in the column applicable to the member's sex. For any member under retirement who re-enters membership in the retirement system and subsequently retires, the lesser age to be taken to the preceding quarter year, in the next preceding sentence, for calculating the minimum retirement allowance under this section, shall be determined by deducting from the member's age at the subsequent retirement, the aggregate time during which the member was under retirement prior to re-entry into membership in the system; provided, however, that the fraction to be taken at such adjusted lesser age shall not be less than nine-tenths if the subsequent and prior retirements were for disability. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the final compensation of the retired member.

SEC. 3. Section 14641 of said code is amended to read:

Prior retirement

14641. When a member who has been retired and has thereafter re-entered membership in the retirement system,

subsequently retires, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14632, or 14639, according to whether retirement is for service or disability, but shall receive (1) an annuity, based upon his salary earned in service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14632 or 14639, as the case may be, plus (2) annuities equal to the annuities he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next preceding said re-entry were based, but calculated under Section 14632 regardless of whether retirement is for service or disability, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, however, that such adjusted age shall be taken at not less than 58 for males or 58½ for females if the subsequent and prior requirements were for disability. If the member renders five years of service after his re-entry into membership, the salary earnable by him after his re-entry shall be used in the calculation of benefits due for service rendered prior to such re-entry into membership.

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14632 or 14639, according to whether retirement is for service or disability, but shall receive (1) a retirement salary, based upon his credited service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14632 or 14639, as the case may be, plus (2) a retirement salary equal to the retirement salary he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14632, regardless of whether retirement is for service or disability on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

CHAPTER 2070

An act to amend Sections 16650, 16651, 16652, 16670, 16671, 16672, 16673, 16674, 16675, 16676, 16677, 16678, 16734, 16770, 16771, 16772, and 16773 of the Government Code, relating to remission of funds to fiscal agent for payment of state bonds and coupons.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 16650 of the Government Code is amended to read:

"Fiscal agent"

16650. As used in this part, "fiscal agent" means any state fiscal agent selected and acting pursuant to Chapter 2.

SEC. 2. Section 16651 of said code is amended to read:

Statute of limitations

16651. Whenever the statute of limitations has run against any outstanding bond or coupon issued by the State, the Treasurer shall withdraw from the fiscal agents any money transferred to the fiscal agents to meet the payment of the bond or coupon and deposit it in the Treasury to the credit of the General Fund.

SEC. 3. Section 16652 of said code is amended to read:

Loss, destruction, etc

16652. Whenever it appears to the Treasurer, upon competent proof, that any bonds, coupons, or other evidences of state indebtedness, except warrants, have been lost or destroyed, he shall endeavor to stop payment on them, and notify the State's fiscal agents to endeavor to stop payment thereon.

SEC. 4. Section 16670 of said code is amended to read:

Designation as fiscal agent

16670. Upon the recommendation of the Treasurer, the Governor may designate well-known and responsible banking firms or associations, or incorporated banking institutions having a paid-up capital and surplus of not less than one million dollars ($1,000,000) as the state fiscal agents for the payment of bonds and coupons issued by the State.

SEC. 5. Section 16671 of said code is amended to read:

Fiscal agent's term

16671. A designation of a fiscal agent in any city shall remain in effect until the designation of another fiscal agent in that city pursuant to Section 16670.

SEC. 6. Section 16672 of said code is amended to read:

Bond

16672. With the approval of the Governor, the Treasurer may fix the amount of and require bonds from any fiscal agent to the State, conditioned on the faithful performance of its duties as fiscal agent.

SEC. 7. Section 16673 of said code is amended to read:

Treasurer

16673 Subject to the approval of the Governor, the Treasurer may do all things necessary or proper to effectuate the purposes of this chapter, including, among others, the making of such arrangements with any fiscal agent as may be necessary including the compensation, if any, of any fiscal agent for services under this chapter, and the time when funds for the redemption of bonds and coupons shall be remitted to it.

SEC. 8. Section 16674 of said code is amended to read:

16674. All bonds and coupons issued by the State, which by their terms are payable at the Office of the Treasurer, without further designation of a place of payment, are at the option of the holder also payable at any fiscal agent. Place of payment

SEC. 9. Section 16675 of said code is amended to read:

16675. The Treasurer and any other state officers authorized to sell and deliver any bonds of the State, may at the time of delivery to the purchaser attach to the bonds irrespective of the time they are signed, countersigned and sealed, a copy of this chapter and a certificate in the following terms: Certificate

"Pursuant to the above chapter, each of the following has been designated in its respective city as a fiscal agent of the State of California, to continue as such until the designation of another fiscal agent in that city:

Attached before issuance to State of California _____ bond, dated _____, 19___, No. _____.

Sacramento, California _____, 19___.

_____,
State Treasurer."

SEC. 10. Section 16676 of said code is amended to read:

16676. At such time as the Treasurer may fix with the approval of the Governor in accordance with Section 16673, the Controller shall draw his warrant for the payment of maturing bonds and coupons and the Treasurer shall out of such funds remit to a fiscal agent in the form of check or draft sufficient funds for the redemption of the bonds and coupons. Warrants

SEC. 11. Section 16677 of said code is amended to read:

16677. Any fiscal agent shall promptly notify the remitting officer of the receipt of the remittances and shall promptly cancel paid bonds and coupons and return them to the Treasurer. Remittances

SEC. 12. Section 16678 of said code is amended to read:

16678. Any fiscal agent may redeem state bonds and coupons when duly presented to it by the holder, with or without a certificate making them payable at a fiscal agent. Redemption

SEC. 12.5. Section 16734 of said code is amended to read:

16734. Both principal of and interest on the bonds shall be payable in lawful money of the United States, at the Office of the State Treasurer, or at the office of any state fiscal agent, or at the office of any duly authorized agent of the State Treasurer. Place of tender

SEC. 13. Section 16770 of said code is amended to read:

16770. The State Treasurer, directly or through state fiscal agents, or other duly authorized agents, shall, on the respective dates of maturity of all bonds, or on the date fixed for the Payment upon maturity

prior redemption of any thereof which may be duly called for redemption, and on the respective due dates of all coupons pertaining to any of said bonds, other than coupons canceled because of the redemption of any of said bonds prior to maturity, or as soon thereafter as said bonds or coupons respectively are surrendered to him, or to any such state fiscal agent, or other duly authorized agent, pay the same.

SEC. 14. Section 16771 of said code is amended to read:

Cancellation

16771. Upon the payment of any such bond or coupon, the State Treasurer, or such state fiscal agent, or other duly authorized agent, shall perforate the same with a suitable device in a manner to indicate such payment and a record of such payment shall be made thereof. The State Treasurer, or state fiscal agents, or other duly authorized agents, shall also on the respective dates of maturity of any such bonds which have been executed but which remain unsold, cancel the same by perforation with a suitable device in a manner to indicate such cancellation and the date thereof, and on the respective due dates of all coupons attached to any such bond remaining unsold, shall detach all such coupons the due date of which has been reached, and cancel them in the same manner as provided for the cancellation of bonds remaining unsold.

SEC. 15. Section 16772 of said code is amended to read:

Destruction

16772. Not less than ten (10) years after the maturity date of bonds or coupons, the State Treasurer, or state fiscal agents, or other duly authorized agents, may destroy or cremate any or all bonds and any or all coupons pertaining thereto which have been previously paid or canceled as provided herein.

SEC. 16. Section 16773 of said code is amended to read:

Warrants

16773. Whenever any payment of principal of any bonds shall become due, either upon the maturity of any of the bonds or upon the redemption thereof prior to maturity, and whenever any interest on any of the bonds shall fall due, warrants shall be drawn against the appropriation made by the bond act from the General Fund by the State Controller in favor of the State Treasurer, or state fiscal agents, or other duly authorized agents, pursuant to claims filed with the State Controller by the State Treasurer, in the amounts so falling due.

CHAPTER 2071

An act to add Article 8 to Chapter 3, Division 9 of the Education Code, relating to the powers and duties of school districts.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Article 8 is added to Chapter 3, Division 9 of the Education Code, to read:

Article 8. Leasing of School Buildings

"Building" 18351. Any school district may enter into leases and agreements relating to real property and buildings to be used by the district pursuant to this article. As used in this article, "building" includes on-site and off-site facilities, utilities or improvements which the governing board determines are necessary for the proper operation or function of the school facilities to be leased. It also includes the permanent improvement of school grounds.

Site 18352. Before the governing board of a school district enters into a lease or agreement pursuant to this article, it shall have available a site upon which a building to be used by the district may be constructed and shall have complied with the provisions of law relating to the selection and approval of sites, and it shall have prepared and shall have adopted plans and specifications for such building which have been approved pursuant to Articles 2 and 3 of this chapter (commencing at Section 18171). A district has a site available for the purposes of this section if it owns a site or if it has an option on a site which allows the school district or the designee of the district to purchase the site. Any school district may acquire and pay for an option containing such a provision.

Lease terms 18353. The term of any lease or agreement entered into by a school district pursuant to this article shall not exceed 40 years.

Exemption 18354. Article 2, Chapter 5 (commencing at Section 18601) of this division shall not apply to leases made pursuant to this article.

Lease for construction 18355. The governing board of a school district may let, at a minimum rental of one dollar ($1) a year, to any person, firm, or corporation any real property which belongs to the district if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term thereof, and provides that title to such building shall vest in the school district at the expiration of such term. Such instrument may provide for the means or methods by which such title shall vest in the school district prior to the expiration of such term, and shall contain such other terms and conditions as the governing board may deem to be in the best interest of the school district.

Contracts 18356. The governing board of any school district may enter into an agreement with any person, firm, or corporation under which such person, firm, or corporation shall construct, or provide for the construction of, a building to be used by the district upon a designated site and lease such building and site to the district. Such instrument shall provide that the title to such building and site shall vest in the district at the expiration of such lease, and may provide the means or method by which the title to the building and site shall vest in the

district prior to the expiration of such lease, and shall contain such other terms and conditions as the governing board of the district deems to be in the best interest of the district.

Bids

The agreement entered into shall be with the lowest responsible bidder who shall give such security as the board requires. The board may reject all bids. For the purpose of securing bids the board shall publish at least once a week for two weeks in some newspaper of general circulation published in the district, or if there is no such paper, then in some paper of general circulation circulated in the county, a notice calling for bids, stating the proposed terms of the agreement and the time and place where bids will be opened.

Elections

18357. The governing board of a school district shall call and hold an election, pursuant to Section 18358 or 18359, before or after entering a lease or agreement, as the case may be.

Ballot

18358. Before entering into a lease or agreement pursuant to this article, the governing board of the district shall call, hold, and conduct an election in the manner provided in Section 6358, except that the ballot used in the election shall contain substantially the words: "shall the governing board of the _____ District purchase a site, prepare plans and specifications, [the reference to the site and plans and specifications shall not be included if, prior to calling the election, the governing board of the district has acquired a site or proposes to lease a site and has prepared plans and specifications] and lease [a site and] a building to be constructed for use by the school district [designating the location of the site on which the building will be constructed and generally describing the building], and, for such purposes, shall the maximum tax rate of the district be increased from _____ to _____, such rate to be in effect in the _____ District for the year 19___ to 19___, be authorized and the amount of such increase used solely and exclusively for such purposes?"

Alternative method

18359. In lieu of calling an election pursuant to Section 18358, the governing board of a school district may call an election pursuant to this section. Within 10 days after the governing board has opened the proposals pursuant to Section 18364 it may accept a proposal and execute the lease or agreement, and immediately thereafter call an election pursuant to this section.

The governing board of the district shall call, hold, and conduct an election in the manner provided in Section 6358, except that the ballot used in the election shall contain substantially the words: "shall the governing board of the _____ District lease [a site and] a building to be constructed for use by the school district [designating the location of the site on which the building will be constructed, and generally describing the building and the cost thereof], and, for such purposes, shall the maximum tax rate of the district be increased from _____ to _____, such rate to be in effect in the _____ District for the years 19___ to 19___ be

authorized and the amount of such increase used solely and exclusively for such purposes?"

Majority

18360. If, at the election held pursuant to Section 18358, a two-thirds majority of the electors voting on the proposition vote "yes," the governing board may proceed pursuant to this article. If, at the election held pursuant to Section 18359, one-third of the electors voting on the proposition vote "no," any lease or agreement entered into by the governing board for the lease of the site or building, or both, designated in the proposition is void.

Limitation

18361. If the governing board of the district fails to enter into a lease pursuant to this article within one year after the result of an election, held pursuant to Section 18358, at which a two-thirds majority of the votes cast favors the proposition submitted, the authorization for an increase in the maximum tax rate shall become void.

Declaration

18362. After the governing board of a school district has complied with Section 18352, it shall, in a regular open meeting, adopt a resolution declaring its intention to enter into a lease or agreement pursuant to this article. The resolution shall describe, in such manner as to identify it, the available site upon which the building to be used by the district shall be constructed, shall generally describe the building to be constructed and state that the building shall be constructed pursuant to the plans and specifications adopted by the governing board therefor, shall, if such is the case, state the minimum yearly rental at which the governing board will lease real property belonging to the district upon which the building is to be constructed, and shall state the maximum number of years for which the school district will lease the building or site and building, as the case may be, and shall state that the proposals submitted therefor shall designate the amount of rental, which shall be annual, semiannual, or monthly, to be paid by the school district for the use of the building, or building and site, as the case may be. The resolution shall fix a time, not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to enter such a lease or agreement with the school district will be received from any person, firm, or corporation, and considered by the governing board. Notice thereof shall be given in the manner provided in Section 18608.

Bids Opening

At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to enter a lease or agreement and which are made by responsible bidders, the proposal which calls for the lowest rental shall be finally accepted, or the board shall reject all bids. The board is not required to accept a proposal, or else

reject all bids, on the same day as that in which the proposals are opened.

Building

18363. Any building constructed for the use of a school district pursuant to this article is subject to Article 3 of this chapter (commencing at Section 18191).

Outstanding indebtedness

18364. For the purposes of Sections 4714, 7431, and 7431.3, 60 percent of any remaining payments which would become due from the district under any leases and agreements entered into by the district pursuant to this article, if such leases and agreements were to run their full term, shall be considered outstanding bonded indebtedness.

District obligation

18365. The amount of rental which a district agrees to pay during any one year, under a lease or agreement entered into pursuant to this article, is an obligation of such district and is an obligation of such district for such year only.

Determination of wages

18366. The governing board of the school district shall ascertain the general prevailing rate of per diem wages in the locality in which the building is to be constructed for each craft, classification or type of workman needed for the construction of the building and shall specify in the resolution and in the notice, required by Section 18364, and in the lease or agreement made pursuant to this article, what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workmen needed for the construction of the building. The holidays upon which such rate shall be paid need not be specified by the governing board, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workmen employed on the project.

In determining such rates, the governing board shall ascertain and consider the applicable wage rates established by collective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area. Where such rates do not constitute the rates actually prevailing in the locality, the governing board shall obtain and consider further data from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved. The rate fixed for each craft, classification or type of work shall not be less than the prevailing rate paid in such craft, classification or type of work.

Any agreement or lease entered into pursuant to this article shall require that such general prevailing rates will be paid. It shall also require that work performed by any workman employed upon the project in excess of eight hours during any one calendar day shall be permitted only upon compensation for all hours worked in excess of eight hours per day at not less than 1½ times the basic rate of pay. There may also be included in leases or agreements entered into pursuant to this article any other requirements with respect to matters

related to the subject of this section which the governing board deems necessary or desirable.

18367. The provisions of this article prevail over any provisions of law which conflict therewith. Prevalence

18368. The provisions of this article shall terminate on the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature. Termination date

CHAPTER 2072

An act to amend Sections 23705 and 23772 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957] In effect September 11, 1957

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

SECTION 1. Section 23705 of the Revenue and Taxation Code is amended to read:

23705. Any incorporated organization which claims any exemption prescribed by this article shall file annually with the Franchise Tax Board, on or before May 15th, a declaration that it does not advocate the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means nor advocate the support of a foreign government against the United States in event of hostilities. If any such organization incorporates, qualifies to do intrastate business, commences activities within this State, revives or is restored to good standing in any year after May 15th, it shall make and file such declaration before it is allowed any exemption prescribed by this article. Any incorporated organization which makes such declaration knowing it to be false is guilty of a felony. This section shall be construed so as to effectuate the purpose of Section 19 of Article XX of the Constitution. Loyalty declaration

No exemption under this article shall be allowed to any incorporated organization for any year in which it fails to file on or before May 15th the annual declaration required by this section.

SEC. 2. Section 23772 of the Revenue and Taxation Code is amended to read:

23772. Every organization exempt under Article 1 except: Annual return

(a) A religious organization exempt under Section 23701d;

(b) An educational organization exempt under Section 23701d, if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or

(c) A charitable organization, or an organization for the prevention of cruelty to children or animals, exempt under

Section 23701d, if such organization is supported, in whole or in part, by funds contributed by the United States or any state or political subdivision thereof, or is primarily supported by contributions of the general public; or

(d) An organization exempt under Section 23701d, if such organization is operated, supervised, or controlled by or in connection with a religious organization described in subsection (a); or

(e) An organization exempt solely under Section 23701b, shall file an annual return with the Franchise Tax Board on or before the fifteenth day of the fifth full calendar month following the close of the income year setting forth—

(1) Its gross receipts for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements within the year for the purpose for which it is exempt,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulations of income at the beginning of the year,

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt,

(7) A balance sheet showing its assets, liabilities and net worth as of the beginning of such year, and

(8) Such other information as the Franchise Tax Board may by regulation prescribe.

(f) No organization shall receive any exemption prescribed by this part for any year in which it fails to file on or before the due date the annual return required by this section.

CHAPTER 2073

An act requesting the University of California to make a study and investigation, relating to use of 2,4-D and other injurious herbicides.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. The University of California is requested to make a study and investigation of the causes and methods of prevention of symptoms of 2,4-D and similar injurious herbicides on grapevines, cotton, tomatoes and other sensitive crops as a result of the application of such herbicides for weed control and report its findings to the Legislature not later than the first legislative day of the 1958 Regular Session.

CHAPTER 2074

An act to amend Section 12000 of the Health and Safety Code, relating to public health and safety, and, more particularly, to regulation of explosives.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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:

(a) Gunpowder, blasting powder, dynamite, guncotton, nitroglycerine, a nitroglycerine 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 ammonium nitrate or ammonium nitrate fertilizer, or oxidizing agents such as or comparable to ammonium nitrate.

CHAPTER 2075

An act to amend Section 5600 of, and to add Section 5600.1 to, the Business and Professions Code, relating to the practice of architecture.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5600 of the Business and Professions Code is amended to read:

5600. (a) Every architect shall pay an annual license fee to the department. The fee shall be due and payable on or before the thirty-first day of August of each year and shall become delinquent thereafter.

Annual license fee

The annual license fee provided for by this chapter due and payable in 1954 shall be paid on or before January 31, 1954. The next annual license fee shall be paid on or before August 31, 1954, and shall be twelve dollars ($12). The annual license fee thereafter shall be paid on or before August 31st of each year and shall be the annual license fee provided for by this chapter.

(b) If the annual license fee is not paid before it becomes delinquent, a penalty of three dollars ($3) shall be added to the amount thereof.

(c) If the annual license fee and penalty are not paid before the thirty-first day of January in the year following the year in which they become due, or in the case of the annual license fee payable on or before January 31, 1954, if such fee and the penalty are not paid before June 30, 1954, the architect's certificate shall be suspended from and after the expiration of 30 days from the date of mailing by registered mail, return receipt requested, postage prepaid and addressed to the architect at his address as it appears in the records of the board; a notice of the delinquency of the architect stating that upon the expiration of time herein allowed his certificate will be suspended, unless within said time, the annual license fee and penalty are remitted.

(d) After the certificate has been suspended, it may be reinstated upon the payment of the reinstatement fee, and such proof of the architect's qualifications as may be required in the sound discretion of the board.

(e) The board shall issue a receipt to each architect promptly upon payment of the annual license fee.

SEC. 2. Section 5600.1 is added to said code, to read:

Renewal date notice

5600.1. The board shall give written notice to a registrant 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.

If the renewal fee is not paid for five or more years, the board may require an examination before reinstating a certificate, except that no examination shall be required as a condition for reinstatement if the original certificate was issued without an examination. No examination shall be required for reinstatement if the certificate was forefeited solely by reason of nonpayment of the renewal fee if such nonpayment was for less than five years.

CHAPTER 2076

An act to amend Section 28103 of the Government Code, relating to compensation for public service in a county of the third class.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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 ten thousand eight hundred dollars ($10,800) 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 grand jurors and trial jurors in the superior court are five dollars ($5) and necessary common carrier fare for each day's attendance upon the court or a session of the grand jury and a charge against the county and paid from county funds unless deposited by litigants or otherwise provided for. 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 2077

An act to add Article 7, comprising Sections 3571 through 3584, to Chapter 11 of Division 2 of the Education Code, relating to the formation of high school districts from territory in existing high school districts, and the liability of the affected districts for outstanding obligations.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Article 7 is added to Chapter 11 of Division 2 of the Education Code, to read:

Article 7. Formation of High School Districts From Territory in Existing High School Districts

Authorization

3571. The formation of a high school district to include all the territory of one or more elementary school districts which are a part of an existing union high school district maintaining five or more high schools, each of which high schools is separated by a distance of eight or more miles by the nearest traveled road, is hereby authorized but may be effected only in the manner prescribed by this article.

Petition

3572. A petition signed by not less than 10 percent of the registered electors residing in any elementary school district which is a part of the existing high school district and in which there is located one of the high schools maintained by the high school district, shall be presented to the county superintendent of schools having jurisdiction over the districts, setting forth the name of the elementary school district or districts to be included in the proposed high school district and specifying the name of the proposed district. The person securing the signatures to any such 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 the genuine signature of the person whose name it purports to be.

Proposal

3573. The petition may propose the formation of a high school district to include all the territory of two or more contiguous elementary school districts which are a part of the existing high school district if there is situated in one or more of the contiguous elementary school districts one or more of the high schools maintained by the existing high school district.

Rejection

3574. The county superintendent of schools shall reject the petition and take no further action under such petition if at the time the petition is presented to him the assessed valuation of the territory to be included in the proposed high school district is less than seventeen million dollars ($17,000,000) as shown by the last equalized assessment roll. Within 20 days after receiving the petition the county superintendent of schools shall, if he finds it sufficient and signed as required, call an election in the territory proposed to be included in the high school district. Except as otherwise provided in this article, the election shall be conducted as elections for governing boards and the county superintendent of schools shall have all the powers and duties with respect to the election as governing boards of school districts have in elections for members of school boards.

Election

3575. The election shall be called by posting notices in three public places in each elementary school district proposed to be included in the high school district, one of which shall be a public schoolhouse, at least two weeks before the election, and by publishing the notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in the proposed high school district, if there is such a newspaper. The first publication shall be not less than two weeks before the election.

Polling places

3576. The election shall be held separately and simultaneously at a public schoolhouse in each of the districts proposed to be included in the high school district.

Ballots

3577. The ballots used at the election in each district shall contain the words "High School District—Yes" and "High School District—No." The electors voting at the election shall make a cross with pencil, ink, or rubber stamp after the answer they desire to give.

Vote canvass

3578. The election officers in each district shall canvass the vote as soon as the polls are closed, and report the result to the county superintendent of schools within five days after the election.

Election result

3579. Within 10 days after receiving the returns of the election, the county superintendent of schools shall combine the votes "for" and "against" the formation of the high school district, declare the result, and record it, with the details of the vote in each district, in a book kept by him for that purpose.

Certificate of votes cast

3580. If a majority of the votes cast at the election is in favor of the formation of the high school district, he shall file with the county clerk of the county, a certificate showing the

total number of votes cast in each district in favor of the high school district, the total number of votes in each district against the high school district, the aggregate result of the election, and the boundaries of the proposed district.

Formation

3581. If it appears from the certificate filed by the county superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the district, the new high school district is formed.

Recordation

3582. The county clerk shall record the certificate in full in his record of high school districts.

Property

3583. Whenever any high school district is formed pursuant to this article, all real property of the union high school district which is situated within the boundaries of the newly formed high school district shall become the property of the newly formed district. Within 30 days after the newly formed high school district becomes effective for all purposes, the county auditor shall determine the balance of the funds standing to the credit of the general fund of the union high school district from which the new district was formed as of the effective date of the formation of the new district. Thereupon he shall transfer from the general fund of the union high school district to the credit of the general fund of the newly formed district an amount which is in the same proportion as the ratio of the assessed valuation of the territory included in the newly formed district bears to the total assessed valuation of the union high school district immediately prior to the formation of the new district for all purposes.

Funds

3584. During the first fiscal year after the formation of a high school district pursuant to this article, the new high school district shall receive from the union high school district from which the new district was formed a sum equal to all apportionments of the State School Fund which it would have received had it been formed on July 1st of the year preceding its formation for all purposes, as such apportionments are received by the union high school district. During such first fiscal year the county superintendent of schools having jurisdiction over the districts shall draw his requisition upon the county auditor to the credit of the newly formed high school district in the amount necessary to accomplish the transfer of funds required by this section.

CHAPTER 2078

An act to add Section 20921.2 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 20921.2 is added to the Government Code, to read:

Returning veterans

20921.2. Upon compliance with the provisions of this section a member who re-entered state service within six months of his return from military service after discharge under conditions other than dishonorable shall receive credit as state service for the period of such military service and for the purposes of this part such military service shall be considered state service if the member left federal employment to enter such military service, where all or a part of such federal employment constitutes state service as provided in Section 20921.

Any member eligible to be credited with state service for time during which he was in military service as provided in this section, may not later than 90 days after the effective date of this section, file with the board such information relative to his military service as the board may require, and shall contribute to the retirement fund, at times and in a manner fixed by the board, amounts equal to (1) the contributions which he would have made to the fund during the time he was in military service, assuming he had then been in state service, on the basis of his compensation earnable at the time he was laid off from state service, and (2) an amount equal to the additional interest that would have been credited to his account under such assumption, and (3) in the case of members who make payment by other than lump-sum payment, interest on the unpaid balance of the amount payable into the retirement fund pursuant to this section, beginning on the date of his re-employment by the State, at the rate of interest currently being used from time to time under the system. When any such contributions have been made, the State shall thereupon contribute an amount equal to that which it would have contributed under Chapter 6 of this part if the contributions had been deducted from compensation to the member from state funds. For the purposes of Chapter 6 the compensation on which the member's contributions were based shall be deemed to have been paid from the General Fund.

CHAPTER 2079

An act to amend Section 682.1 of the Code of Civil Procedure, relating to the writ of execution.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 682.1 of the Code of Civil Procedure is amended to read:

Form for writ of execution

682.1. A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of Court)
(Number and abbreviated title of action)

THE PEOPLE OF THE STATE OF CALIFORNIA:

To the Sheriff, Constable or Marshal of the _____ County of _____ Greeting:

WHEREAS on _____ a judgment was rendered by the above entitled court in the above entitled action in
* favor of _____ as judgment creditor and
* against _____ as judgment debtor
and said judgment was duly entered in (referring to where entered) for

** $ principal.
** $ attorney fees.
** $ interest, and
** $____costs, making a total amount of
** $ the judgment as entered, and

WHEREAS, according to an affidavit and/or a memorandum of costs after judgment filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

** $ accrued interest, and
** $____accrued costs, making a total of
** $ due on said judgment before deductions,

on which total amount credit must be given for payments and partial satisfactions in the amount of

** $____leaving a net balance of
** $ actually due on said judgment

on the date of the issuance of this execution, of which $_____ is due on principal and/or attorney's fees and bears interest at 7 percent per annum from the date of issuance of this writ, to which must be added the commissions and costs of the officer executing this writ.

Notice by mail of any sale under the writ of execution (has) (has not) been requested. The following named persons have requested such notice of sale:

Names Addresses

THESE PRESENTS ARE THEREFORE TO COMMAND YOU to satisfy the said judgment with interest and costs as provided by law and your costs and disbursements out of the personal property of said debtor, except that one-half of the earnings of the judgment debtor received for his personal services rendered at any time within 30 days next preceding the levy of execution pursuant to this writ shall be exempt from such levy, and if sufficient personal property can not be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in Section 674 of this code, or at any time thereafter, and make return of this writ within not less than 10 days nor more than 60 days after

your receipt thereof, with what you have done endorsed hereon.

Given under my hand (and the seal of _____) on _____ 19___.

Note to printer: where the asterisk (*) appears in the foregoing form, it is intended that the printed form shall have the same arrangement and number of words in the line.

Where the double asterisk (**) appears in the foregoing form, it is intended that the dollar sign characters ($) shall appear under one another in vertical column.

Effect. Stats 1957, Chs 2081, 1734

SEC. 2. Section 1 of this act shall become operative only if Senate Bill No. 1283 and Senate Bill No. 1296 are enacted by the Legislature at its 1957 Regular Session and in such case at the same time as Senate Bill No. 1283 and Senate Bill No. 1296 take effect.

CHAPTER 2080

An act to amend Section 710 of the Code of Civil Procedure, relating to exemptions from attachment or execution proceedings.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 710 of the Code of Civil Procedure is amended to read:

Enforcement of judgment

710. (a) Whenever a judgment for the payment of money is rendered by any court of this State against a defendant to whom money is owing and unpaid by this State or by any county, city and county, city or municipality, quasi-municipality or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this State to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission presents the claim of such judgment debtor therefor to the State Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact that the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of

advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, and after deducting therefrom an amount equal to one-half the salary or wages owing to the judgment debtor for his personal services to the State rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2. If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor, less an amount equal to one-half the salary or wages owing by the county, city and county, city, municipality, quasi-municipality, or public corporation to the judgment debtor for his personal services to such public body rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents ($2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor.

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment

creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to any elective officer of this State whose salary is fixed by Section 19 of Article V of the State Constitution.

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which payments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

CHAPTER 2081

An act to amend Section 692a of the Code of Civil Procedure, relating to request for notice of sale on execution.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 692a of the Code of Civil Procedure is amended to read:

692a. In any case in which a judgment has been entered as provided in Section 668 of the Code of Civil Procedure, any person may file with the clerk a written request that he be given notice by mailing of any sale under any execution issued upon said judgment. In any such request such person shall specify the title of the court, case and number of the action in which such judgment was rendered and the date of entry thereof

and shall give the address to which he desires such notice of execution sale to be mailed. Whenever a writ of execution is thereafter issued upon such judgment, it shall be the duty of the clerk to note upon such writ the fact that notice by mailing has or has not been requested. If a notice by mailing of any sale under any execution has been requested, the clerk shall also note upon such writ the name and address of such person as set forth in such request. It shall be the duty of any officer conducting a sale under any writ of execution upon which appears such notation to mail a copy of the notice of time and place of sale to such person at the address noted upon the writ. The copy of the notice shall be mailed at the time notice is posted pursuant to Section 692 of the Code of Civil Procedure.

CHAPTER 2082

An act to amend Section 1257 of the Water Code, relating to beneficial uses of water.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1257 of the Water Code is amended to read:

1257. In acting upon applications to appropriate water, the State Water Rights Board may, where the facts justify, consider the relative benefit to be derived from all beneficial uses of the water concerned including, but not limited to, use for domestic, irrigation, municipal, industrial, preservation of fish and wildlife, recreational, mining and power purposes, and may subject such appropriations to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest, the water sought to be appropriated.

CHAPTER 2083

An act to add Section 782.4 to the Agricultural Code, relating to agriculture.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 782.4 is added to the Agricultural Code, to read:

782.4. The director may inspect and certify to marketing order advisory boards, handlers, associations, or financially interested persons the analysis, classification, quality, or condition of fruits, nuts, vegetables, or other agricultural com-

modities. 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 inspection. 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 2084

An act to amend Sections 1614, 2119, 2558, 2630, 2715, 2736, 2854, 2882, 3025, 4808, 4849, 5015, 5021, 5022, 5526, 5630, 6716, 6717, 6754, 7008, 7059, 7606, 8525, 8710, 8745, 9533, 9630, 18624, and 18682 of; and to add Sections 4008.1 and 6751.5 to, the Business and Professions Code, relating to regulations of state agencies.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1614 of the Business and Professions Code is amended to read:

Adoption of rules

1614. The board may adopt reasonably necessary rules not inconsistent with the provisions of this chapter concerning:

(a) The holding of meetings

(b) The holding of examinations.

(c) The manner of issuance and reissuance of licenses.

(d) The establishment of standards for the approval of dental colleges.

(e) Prescribing subjects in which applicants are to be examined.

(f) The administration and enforcement of this chapter.

Such rules shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act.

SEC. 2. Section 2119 of said code is amended to read:

Adoption, amendment, etc

2119. The board may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, such rules as may be reasonably necessary to enable it to carry into effect the provisions of this chapter. It shall require the affirmative vote of seven members to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate under this chapter.

Any member of the board may administer oaths in all matters pertaining to the duties of the board, and the board may take evidence in any matter cognizable by it.

SEC. 3. Section 2558 of said code is amended to read:

2558. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not less than 10 days nor more than one year, or by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by both such fine and imprisonment. Violations

The Board of Medical Examiners may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, such rules and regulations as are reasonably necessary to carry out the provisions of this chapter. Board of Medical Examiners

SEC. 4. Section 2630 of said code is amended to read:

2630. Pursuant to the Administrative Procedure Act, the board may adopt, amend, or repeal such rules as are reasonably necessary to carry this chapter into effect. The board shall keep a record of its proceedings under this chapter, and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence, and the date and number of his certificate as a registered physical therapist. The board shall, during the month of May of every year in which the renewal of registration is required, compile a list of registered physical therapists authorized to practice physical therapy in the State. Any interested person in the State is entitled to obtain a copy of that list on application to the board and payment of such amount as may be fixed by the board, which amount shall not exceed the cost of the list so furnished. Rules

SEC. 5. Section 2715 of said code is amended to read:

2715. The board shall prosecute all persons guilty of violating the provision of this chapter. Prosecutions

The board, in accordance with the provisions of the civil service law, may employ such personnel as it deems necessary to carry into effect the provisions of this chapter. Employees

The board shall have and use a seal bearing the name "Board of Nurse Examiners of the State of California." The board may adopt, amend, or repeal, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of this chapter. Seal

SEC. 6. Section 2736 of said code is amended to read:

2736. An applicant shall comply with each of the following: Qualifications of applicants

(a) Be a citizen of the United States or have 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 this subdivision.

(b) Have successfully completed at least an approved high school course of study or the equivalent thereof as determined

by board regulation, and such other preliminary requirements as the board by regulation may prescribe.

(c) Have successfully completed the prescribed course of study in an accredited school of 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 of the board, established by regulation, for an accredited school in this State.

(d) Have committed no act, which, if committed by a licensee, would be a ground for disciplinary action.

SEC. 7. Section 2854 of said code is amended to read:

Prosecutions

2854. The board shall prosecute all persons guilty of violating the provisions of this chapter.

It may employ inspectors, special agents, investigators and such clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. The board may fix the compensation to be paid for such services and may incur such other expenses as it may deem necessary.

The board may adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of this chapter. Such rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act.

SEC. 8. Section 2882 of said code is amended to read:

Instruction

2882. The course of instruction of an accredited school of vocational nursing shall consist of not less than the required number of hours of instruction in such subjects as the board may from time to time by regulation determine, together with the required number of hours in the care of medical, surgical, obstetrical patients, sick children, and such other clinical experience as from time to time may be determined by the board.

Within four months after appointment, the board shall establish and determine the required courses of instruction and the required number of hours of instruction for an accredited school of vocational nursing.

SEC. 9. Section 3025 of said code is amended to read:

Adoption of rules

3025. The board may make and promulgate rules and regulations governing procedure of the board, the admission of applicants for examination for certificates of registration as optometrists, and the practice of optometry. All such rules and regulations shall be in accordance with and not inconsistent with the provisions of this chapter. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act.

SEC. 10. Section 4808 of said code is amended to read:

Adoption, amendment, etc

4808. The board may in accordance with the provisions of the Administrative Procedure Act, adopt, amend, or repeal such rules and regulations as are reasonably necessary to carry into effect the provisions of this chapter. The board may hold such meetings as are necessary for the transaction of business. It shall issue all licenses to practice veterinary medicine in this State.

SEC. 11. Section 4849 of said code is amended to read:

Examinations

4849. The examinations shall be held in January and June of each year and shall include all such subjects as are ordinarily included in the curricula of veterinary colleges in good standing, but examinations may be held at such other times and include such other subjects as the board may by rule authorize and direct.

SEC. 12. Section 5015 of said code is amended to read:

Adoption, repeal, etc

5015. The board may adopt, repeal, or amend such regulations as may be reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of this chapter. Such regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act.

SEC. 13. Section 5021 of said code is amended to read:

Rules of professional conduct

5021. The board may by regulation, prescribe, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession. In addition to the requirements of the Administrative Procedure Act, a copy of such rules shall be mailed to every holder of a permit under the provisions of this act at least 30 days prior to a date named for a public hearing held for the purpose of receiving and considering objections to any of the proposed provisions. Every person who holds a permit to practice public accountancy in this State shall be governed and controlled by the rules and standards adopted by the board.

SEC. 14. Section 5022 of said code is amended to read:

Printing rules

5022. The rules of professional conduct adopted by the board shall be printed as a part of the application blanks for both certificates and registration and every applicant for either a certificate or registration shall subscribe thereto when making an application.

SEC. 15. Section 5526 of said code is amended to read:

Code of regulations

5526. The state board may formulate and adopt a code of rules and regulations for its government in the examination of applicants for certificates to practice architecture in this State and it may formulate and adopt such other rules and regulations as may be necessary and proper. No rule or regulation shall be inconsistent with this chapter. The board may, from time to time, repeal, amend or modify its rules and regulations.

The adoption, repeal, amendment, or modification of such rules and regulations shall be made in accordance with the provisions of the Administrative Procedure Act.

SEC. 16. Section 5630 of said code is amended to read:

Adoption, amendment, etc

5630. The board may, in accordance with the provisions of the Administrative Procedure Act, adopt, amend, or repeal such rules and regulations as are reasonably necessary to:

(a) Govern the examinations of applicants for certificates to practice landscape architecture;

(b) Establish criteria for approving schools of landscape architecture; and

(c) Carry out the provisions of this chapter.

SEC. 17. Section 6716 of said code is amended to read:

Adoption of rules

6716. The board may adopt such rules and regulations as are not inconsistent with law and as are reasonably necessary to govern its action. Such rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act.

Meetings

The board shall hold at least two regular meetings each year. Special meetings shall be held at such times as the board rules provide. Notice of all meetings shall be governed by board rule. A majority of the board constitutes a quorum.

SEC. 18. Section 6717 of said code is amended to read:

Regulation re engineers

6717. The board may, by regulation, define the scope of each branch of professional engineering other than civil engineering for which registration is provided under this chapter.

SEC. 19. Section 6754 of said code is amended to read:

Examinations

6754. Examination for registration shall be held at regular or special meetings of the board, at the times and places within the State as the board shall determine.

Work of the board relating to examination and registration may be divided into committees as the board shall direct. The scope of examinations and the methods of procedure may be prescribed by board rule.

SEC. 20. Section 7008 of said code is amended to read:

Committees, etc

7008. The board may appoint such committees and make such rules and regulations as are reasonably necessary to carry out the provisions of this chapter. Such rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act. Notices of the proposed action given pursuant to Section 11423 of the Government Code shall be published in a newspaper of general circulation in the Cities of Los Angeles, San Francisco, and Sacramento.

SEC. 21. Section 7059 of said code is amended to read:

Rules

7059. The board may adopt reasonably necessary rules and regulations to effect the classification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage, as defined by Sections 7055, 7056, 7057, and 7058. A licensee may make application for classification and be classified in more than one classification if the licensee meets the qualifications prescribed by the board for such additional classification or classifications. No additional application or license fee shall be charged for qualifying or classifying a licensee in additional classifications.

Nothing contained in this section shall prohibit a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which he is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

SEC. 22. Section 7606 of said code is amended to read:

7606. The board may, pursuant to the provisions of the Administrative Procedure Act, adopt and enforce reasonably necessary rules and regulations relating to: Rules

(a) The practice of embalming;

(b) The business of a funeral director;

(c) The sanitary conditions of places where such practice or business is conducted with particular regard to plumbing, sewage, ventilation and equipment;

(d) Specifying conditions for approval of funeral establishments for apprentices and for approval of embalming schools;

(e) The scope of examinations;

(f) Carrying out generally the various provisions of this chapter for the protection of the peace, health, safety, welfare and morals of the public.

SEC. 23. Section 8525 of said code is amended to read:

8525. The board, subject to the approval of the director, may, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, adopt, amend, repeal, and enforce reasonably necessary rules and regulations relating to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter. Pest control

The board shall give notice of adoption of such rules and regulations to all persons licensed under this chapter at least 30 days prior to the effective date of the regulations. Notice

SEC. 24. Section 8710 of said code is amended to read:

8710. The State Board of Registration for Civil and Professional Engineers is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations which are reasonably necessary to carry out its provisions. Rules

SEC. 25. Section 8745 of said code is amended to read:

8745. Examinations for license shall be held at such times and at such places within the State as determined by board rule. Examinations

The examinations may be conducted by one or more members of the board or one or more of their duly authorized representatives.

The scope of examinations and the method of procedure shall be prescribed by board rule.

SEC. 26. Section 9533 of said code is amended to read:

9533. The board shall establish rules and regulations governing the conduct of the industry, including plant owners, shop owners and dry cleaning agencies, and prescribe the qualifications for all applicants for registration certificates, to be issued to persons in the industry. In the foregoing classifications, examiners shall be appointed for each branch of the industry, and named. Such examiners shall have been for a period of at least five (5) years immediately preceding their appointment actively engaged in that branch of the industry which they represent. Applicants for registration certificates shall be examined by examiners representing that branch of the Rules

industry in which the applicant is engaged. Such rules and regulations shall be reasonably necessary to effectuate the purposes of this chapter and such rules, regulations, and prescription of qualifications shall be adopted, amended, or repealed in accordance with provisions of the Administrative Procedure Act.

SEC. 27. Section 9630 of said code is amended to read:

Rules

9630. The board may establish necessary rules and regulations for the administration and enforcement of this act and the laws subject to its jurisdiction and prescribe the form of statements and reports provided for in this act. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act.

SEC. 28. Section 18624 of said code is amended to read:

Chairman

18624. The members of the commission shall elect one of their number chairman, adopt a seal and make, amend or abrogate rules for the administration of their office, not inconsistent herewith, as they may deem expedient. Such rules shall be reasonably necessary to effectuate the purposes of this chapter and shall be adopted in accordance with the provisions of the Administrative Procedure Act.

SEC. 29. Section 18682 of said code is amended to read:

Rules, etc

18682. Every club or person licensed under this chapter is subject to such rules and regulations, and amendments thereof, as the commission may prescribe pursuant to the provisions of the Administrative Procedure Act.

SEC. 30. Section 4008.1 is added to said code, to read:

Adoption, amendment, etc.

4008.1. The board shall adopt, amend, repeal, and establish such rules, regulations, and standards in accordance with the provisions of the Administrative Procedure Act.

SEC. 31. Section 6751.5 is added to said code, to read:

Engineering curricula

6751.5. The board shall by rule establish the criteria to be used for approving curricula of schools of engineering.

CHAPTER 2085

An act to amend Sections 1540, 1543, and 1544 of, and to add Article 8.5 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to preparedness for and the mitigation of disasters.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1540 of the Military and Veterans Code is amended to read:

Assignment

1540. The Governor may assign to a state agency any activity concerned with the mitigation of disaster of a nature related to the existing powers and duties of such agency, and

it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the State.

SEC. 2. Article 8.5 is added to Chapter 1 of Division 7 of said code, to read:

Article 8.5. Powers and Duties During a Period of a State of Disaster

Proclamation of disaster

1575. The Governor is hereby empowered to proclaim a state of disaster in an area or region affected or likely to be affected thereby when:

1. He finds that some or any of the circumstances described in Section 1505 exist; and either

2. He is requested to do so (a) in the case of a city by the mayor or chief executive, (b) in the case of a county by the chairman of the board of supervisors; or

3. He finds that local authority is inadequate to cope with the peril.

Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible it shall be filed in the Office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given of such proclamation.

SEC. 3. Section 1543 of said code is renumbered and amended to read:

Utilization of personnel, etc

1576. During a state of disaster the Governor may direct all agencies of the State Government to utilize and employ state personnel, equipment and facilities for the performance of any and all activities designed to prevent and alleviate actual or threatened damage due to the disaster. Any agency so directed by the Governor may expend any of its moneys in performing such activities which have been appropriated to it, irrespective of the particular purpose for which the money was appropriated.

Use of funds

SEC. 4. Section 1544 of said code is renumbered and amended to read:

Suspension: Regulation and statutes

1577. During a state of disaster the Governor may suspend the provisions of any regulatory statute, or statute prescribing the procedure for conduct of state business, or the rules, regulations or orders of any state agency, where the Governor determines and declares that strict compliance with the provisions of any such statute, rule, regulation or order would in any way prevent, hinder or delay the mitigation of the disaster.

CHAPTER 2086

An act to amend Section 12300.3 of the Financial Code, relating to the use of trust funds by check sellers and cashers.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 12300.3 of the Financial Code is amended to read:

Trust funds

12300.3. All money received by a licensee or his agents from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose and for the purpose of paying bills, invoices, or accounts of an obligor shall constitute trust funds owned by and belonging to the person from whom they were received. All such money received by an agent of a licensee shall be separated from the funds of the agent not later than the end of the third business day following receipt by such agent. All such money shall thereafter be kept separate and apart at all times from funds belonging to the licensee or any of its officers, employees or agents and may be used for no purpose other than paying bills of said persons, or paying checks, drafts, money orders, or other commercial paper sold by the licensee. All such trust funds received at the main or branch offices of a licensee shall be deposited in a bank or banks in an account or accounts in the name of the licensee designated "trust account," or by some other appropriate name indicating that the funds are not the funds of the licensee or of its officers, employees, or agents, on or before the close of the next business day following receipt. Moneys received by an agent of a licensee must be deposited in such account on or before the close of the third business day following receipt by the agent. Such funds are not subject to attachment, levy of execution or sequestration by order of court except by a payee or bona fide assignee or bona fide holder in due course of a check, draft, or money order sold by a licensee, or except by an obligor for whom a licensee is acting as an agent in paying bills. Funds in said account, together with money on hand and in the hands of agents held for the account of the licensee, at all times shall be at least equal to the aggregate liability of the licensee on account of checks sold and bills, invoices, and accounts accepted for payment.

Trust account

Such funds may be used by a licensee for the cashing of checks in the normal course of its business provided such licensee has on file with the commissioner a bond containing the provisions and conditions set forth in Section 12207 through 12213, inclusive, of this code in an amount equal to the total liability of the licensee for money received by a licensee or his agents from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose and for the purpose of paying bills, invoices, or accounts of an

obligor as shown by audit on the last day of the previous business year of the licensee, or as at any other more recent date as determined by the commissioner.

Nothing in this law shall be construed to prevent a purchaser, a holder in due course, the payee of a check, draft, or money order sold by the licensee in the usual course of his business, or an obligor for whom the licensee is acting as an agent in paying bills of the obligor, from taking any legal action necessary to enforce any claims which said purchaser, holder in due course, payee, or obligor may desire to take including the right to levy attachment or execution.

In the event a license under this law shall be suspended or terminated the licensee shall immediately deposit in said trust account an amount which with funds therein contained shall be equal to the outstanding checks sold and bills unpaid.

CHAPTER 2087

An act to amend Section 17402 of the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately, urgency measure.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. Section 17402 of the Revenue and Taxation Code is amended to read:

17402. (a) In the case of property distributed in complete liquidation of a corporation, other than a collapsible corporation to which Section 17411 applies if— Corporate liquidations

(1) The liquidation is made in pursuance of a plan of liquidation adopted on or after December 31, 1950, 1951, 1952, or 1956; and

(2) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month in 1951, 1952, 1953 or subsequent to 1956, then in the case of each qualified electing shareholder (as defined in subsection (c)) gain upon the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subsection (e).

(b) For purposes of this section, the term "excluded corporation" means a corporation which at any time between January 1, 1956, and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(c) For purposes of this section, the term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subsection (a) has been made and filed in accordance with subsection (d), but in the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(d) The written elections referred to in subsection (c) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Franchise Tax Board. The filing must be within 30 days after the date of the adoption of the plan of liquidation or within one month after the effective date of this amended section whichever is later and may be made by the liquidating corporation or by its stockholders.

(e) In the case of a qualified electing shareholder—

(1) There shall be recognized, and treated as a dividend, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subsection (a) (2), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

(2) There shall be recognized, and treated as a capital gain so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or of stock or securities acquired by the corporation after August 15, 1950, exceeds his ratable share of such earnings and profits.

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. The facts constituting such necessity are:

Because of extremely complex legal and other problems, many corporations desiring and attempting to liquidate in 1951, 1952 or 1953 were unable to arrange for distribution in complete liquidation of their property within the requisite period and month in either of such years, with the result that the benefits granted taxpayers by Section 17402 of the Revenue and Taxation Code have been unavailable to them. These

taxpayers will, as a consequence, and for reasons beyond their control, be required to pay considerably more in the way of taxes than they would have had the corporations mentioned been able to arrange for the liquidation of their property within the period and time specified. As an additional effect of this situation, a clear disparity exists in their treatment because other taxpayers in the same class were more fortunately situated as to have received a liquidation in accordance with the conditions under which Section 17402 operates. Such a situation leads to economic inequality and is productive of unrest, thus directly affecting the public peace, health or safety. This act will eliminate such inequality and more completely and equitably carry out the intent of Section 17402.

Public purpose

SEC. 3. The Legislature hereby declares that, for the reasons noted in Section 2 of this act, the amendments of Section 17402 of the Revenue and Taxation Code made by this act are intended to accomplish and serve a public purpose.

CHAPTER 2088

An act to amend Section 506 of the Vehicle Code, relating to drivers of vehicles.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 506 of the Vehicle Code is amended to read:

506. Driving When Addicted to or Under Influence of Narcotics or Other Drugs. (a) It is unlawful for any person who is addicted to the use, or under the influence, of narcotic drugs or amphetamine or any derivative thereof to drive a vehicle upon any highway. Any person convicted under this subsection shall be 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 or by a fine of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) or by both such fine and imprisonment.

(b) It is unlawful for any person under the influence of any drug, other than a narcotic or substance mentioned in subdivision (a), to a degree which renders him incapable of safely driving a vehicle, to drive a vehicle upon any highway. Any person convicted under this subsection shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not to exceed one year or by a fine of not to exceed five hundred dollars ($500) or both.

(c) The fact that any person charged with a violation of this section is or has been entitled to use such drugs or

amphetamine or any derivative thereof under the laws of this State shall not constitute a defense against any violation of this section.

CHAPTER 2089

An act to amend Section 54307 of the Government Code and to add Chapter 4 to Part 9, Division 11 of the Water Code, relating to the incurring of indebtedness by irrigation districts.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 54307 of the Government Code is amended to read:

"Local agency"

54307. "Local agency" means any city, county, city and county, or any municipal or public corporation or district which is authorized to acquire, contruct, own, or operate any enterprise as defined in Section 54309.

SEC. 2. Chapter 4 is added to Part 9, Division 11 of the Water Code, to read:

CHAPTER 4. ISSUANCE OF BONDS PURSUANT TO THE REVENUE BOND LAW OF 1941

Revenue bonds

25400. Subject to the limitations of this chapter, revenue bonds, including refunding revenue bonds, may be issued by an irrigation district under and pursuant to the Revenue Bond Law of 1941, Chapter 6, Part 1, Division 2, Title 5 of the Government Code.

Alternative authority

25401 This chapter provides an alternative authority and procedure for the subject to which it relates but does not affect any other law relating to the same or a similar subject. When proceeding under this chapter, its provisions only need be followed.

"Enterprise"

25402. For the purposes of this chapter, the term "enterprise," as used in said Revenue Bond Law of 1941, shall be limited to and shall include only those works or property authorized to be acquired, constructed, improved or financed by an irrigation district pursuant to this division but shall not include works or property for the generation, production, transmission, distribution, sale and lease of electric energy for lighting, heating and power for public or private uses.

Certification

25403 No bonds authorized under the provisions of this chapter shall be issued and sold until said bonds shall have been investigated and certified pursuant to the Districts Securities Commission Law, Division 10 of this code.

CHAPTER 2090

An act making an appropriation to the Fish and Game Preservation Fund.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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 twenty thousand dollars ($20,000) to the Fish and Game Preservation Fund to restore the amount appropriated by Chapter 1698 of the Statutes of 1955 from the Fish and Game Preservation Fund.

CHAPTER 2091

An act to add Section 1202.5 to the Public Utilities Code, and to amend Section 189 of, and to add Sections 190 and 191 to, the Streets and Highways Code, relating to crossings and intersections of railroads and highways.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1202.5 is added to the Public Utilities Code, to read:

1202.5. In prescribing the proportions in which the expense of construction, reconstruction, alteration or relocation of grade separations shall be divided between railroad or street railroad corporations and public agencies, in proceedings under Section 1202, the commission, unless otherwise provided in this section, shall be governed by the following standards: Expense apportionment

(a) Where a grade separation project, whether initiated by a public agency or a railroad, will not result in the elimination of an existing grade crossing, located at or within a reasonable distance from the point of crossing of the grade separation, the commission shall require the public agency or railroad applying for authorization to construct such grade separation to pay the entire cost.

(b) Where a grade separation project initiated by a public agency will directly result in the elimination of one or more existing grade crossings, located at or within a reasonable distance from the point of crossing of the grade separation, the commission shall apportion against the railroad an amount computed by capitalizing at 5 percent per annum the direct and computable savings to the railroad resulting from the elimination or reduction of the cost of physical maintenance of such crossing or crossings, and from the elimination or reduction of the cost of maintaining crossing protection at the existing grade crossing or crossings, and in addition shall

apportion against the railroad ten percent (10%) of the cost attributable to the presence of the railroad facilities. The remainder of such costs shall be apportioned against the public agency or agencies affected by such grade separation.

(c) Where a grade separation project initiated by a railroad will directly result in the elimination of an existing grade crossing, located at or within a reasonable distance from the point of crossing of the grade separation, the commission shall apportion ten percent (10%) of the cost, attributable to the presence of the highway facilities, against the public agency or agencies affected by the project, and the remainder thereof to the railroad or railroads applying for authorization to construct such grade separation.

(d) Where the project consists of an alteration or reconstruction of an existing grade separation for the purpose of increasing the capacity of the structure for highway purposes, the commission shall apportion ten percent (10%) of the cost against the railroad and the balance against the public agency or agencies affected by such grade separation.

Where the project consists of an alteration or reconstruction of an existing grade separation for the purpose of increasing the capacity of the structure for railway purposes, the commission shall apportion ten percent (10%) of the cost against the public agency or agencies affected and the balance against the railroad applying for authorization to alter or reconstruct such grade separation.

(e) In the event the commission finds that a particular project does not clearly fall within the provisions of any one of the above categories, the commission shall make a specific finding of fact on the relation of the project to each of said categories, and in apportioning the costs, it shall apportion against the railroad an amount computed by capitalizing at five percent (5%) per annum the direct and computable savings to the railroad resulting from the elimination or reduction of the cost of physical maintenance and from the elimination or reduction of the cost of maintaining crossing protection, at the existing crossing, if any, and in addition shall assess against the railroad a reasonable percentage, if any, of the cost not exceeding the percentage specified in subsection (b), dependent on the findings of the commission with respect to the relation of the project to each category. The remainder of such cost shall be apportioned against the public agency or agencies affected by the project.

(f) In the event the commission finds that the respective shares of any apportionment should be divided between two or more railroads or two or more public agencies, the commission, to the extent that it has jurisdiction to do so in a particular proceeding before it, shall divide said shares between said railroads or said public agencies, or both, on any reasonable basis, to be decided by the commission, but in so doing shall follow the standards hereinabove prescribed for apportionment between railroads and public agencies, respectively.

(g) The standards herein prescribed for apportionment of costs of grade separations shall not be applicable where federal funds are used. On such projects the apportionments shall be in accordance with federal law and the rules, regulations and orders of the federal agency administering said law, where applicable.

(h) No provision of this section or of the Public Utilities Code shall be construed as in any way limiting the right of public agencies or railroads to negotiate agreements apportioning costs of grade separations, and the validity of any and all such agreements is hereby recognized for all purposes regardless whether the method of apportionment prescribed therein conforms to the standards hereinabove prescribed.

As used in this section "public agency" includes a separation of grade district, as well as the State, a county, city, or other political subdivision.

SEC. 2. Section 189 of the Streets and Highways Code is amended to read:

189 On or before the first day of each year the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of crossings at grade in separation of grade districts and of city streets or county roads and the tracks of any railroad corporation or corporations in the order of priority which in the judgment of the commission justifies the elimination of the crossing at grade by the erection or construction of separation structures. The commission shall include in such listing only such crossings which in its judgment are most urgently in need of separation, taking into consideration the possibility of financing the same under the provisions of this code. List of crossings

SEC. 3. Section 190 is added to the Streets and Highways Code, to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1 of this code, commencing with the 1958-59 Fiscal Year, the sum of five million dollars ($5,000,000) shall be set aside for allocations to grade separation projects of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189-191, inclusive, of this code. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of said sections, except that in no event shall allocations in any one fiscal year in excess of a total of five million dollars ($5,000,000) be made. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract Allocation of funds

within a period of six months have been or can be taken care of within that time. In the event, after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the State Highway Fund for use on state highways.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars ($5,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The department and the commission may revert as of October 1st of each fiscal year any unallocated amount from the annual sum of five million dollars ($5,000,000) for that fiscal year.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights of way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission, from the funds made available for the current or subsequent fiscal years. If more projects comply with the requirements hereof in a single year than can be financed from the sum of five million dollars ($5,000,000), allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 4. Section 191 is added to the Streets and Highways Code, to read:

Allocation for specific projects

191. Allocations for specific projects shall be deemed expenditures within the county in which the project is situated for the purpose of compliance by the department and the commission with Sections 188 and 188.4 in the same manner as if such allocations had been expenditures upon state highways in that county.

CHAPTER 2092

An act relating to barriers for salinity and flood control purposes.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. The Department of Water Resources may limit its studies of salinity control barriers to the Biemond Plan as described in Bulletin No. 60 of the Department of Water Resources entitled "Salinity Control Barrier Investigation," dated March, 1957, subject to such modifications thereof as the department may adopt, said studies being for the purposes of developing complete plans of the means of accomplishing delivery of fresh water to the Counties of Solano, Sonoma, Napa and Marin, providing urgently needed flood protection to agricultural lands in the Sacramento-San Joaquin Delta, accomplishing salinity control, improving the quality of water exported from the delta to the San Francisco Bay area, San Joaquin Valley, and southern portions of California, making the most beneficial use of the water resources of the State, and studying integration of the proposed project in The California Water Plan.

SEC. 2. The department may contract with such other public agencies, federal, state or local, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the department as will best assist it to carry out this act.

SEC. 3. It is the intent of the Legislature that in conducting the study and investigation the department shall confer and exchange information with and shall seek the participation of the United States Navy, the United States Bureau of Reclamation, the United States Corps of Engineers, and the local port districts to the extent possible.

SEC. 4. The department shall submit a report to the Legislature stating the result of its study and investigation not later than March 30, 1959.

SEC. 5. This act shall be known and may be cited as the "Abshire-Kelly Salinity Control Barrier Act of 1957."

CHAPTER 2093

An act to amend Section 18009 and to add Section 18370 to Article 5, Chapter 4, Part 2, Division 13, Health and Safety Code, relating to plumbing, heating and electrical equipment in trailer coaches.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 18370 is added to the Health and Safety Code, to read:

Equipment requirements

18370. It is unlawful for any person to sell, or offer for sale, within this State, any trailer coach manufactured after July 1, 1958, containing plumbing, heating or electrical equipment unless such equipment meets the requirements of the Division of Housing for such installations. Such rules and regulations shall be reasonably consistent with recognized and accepted principles for plumbing, heating and electrical installations, respectively, in order to protect the health and safety of the people of this State from dangers inherent in the use of substandard and unsafe plumbing, heating and electrical equipment. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to the work and enforcement of this chapter. The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection.

The Division of Housing may adopt, amend, repeal, and enforce, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to effectuate the purposes of this section.

All trailer coaches manufactured after July 1, 1958, which are sold or offered for sale within this State, shall bear an insignia of approval by the Division of Housing for plumbing, heating and electrical equipment therein.

SEC. 2. Section 18009 of the Health and Safety Code is amended to read:

Local regulation

18009. The provisions of this part relating to auto and trailer camps apply to all parts of the State except within cities, counties, and cities and counties that have enacted and are enforcing local ordinances regulating auto and trailer camps and such ordinances prescribe minimum standards equal to or greater than the provisions of this part relating to auto and trailer camps. The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of the police power, from prohibiting auto and trailer camps within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution, prescribing higher standards of sanitation, health and safety for auto and trailer camps and requiring a local health permit to maintain and conduct any such auto and trailer camp within such city, county, or city and county.

Notwithstanding any other provisions of this section, Section 18370 shall apply to all parts of the State.

CHAPTER 2094

An act to add Chapter 9 (commencing with Section 25100) to Division 12 of the Education Code, relating to liability for civil defense and fire drills.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 9 is added to Division 12 of the Education Code, to read:

CHAPTER 9. CIVIL DEFENSE AND FIRE DRILLS

25100. Notwithstanding the provisions of Section 1714.5 of the Civil Code, no superintendent, principal, teacher or other employee of a school district employed in a position requiring or not requiring certification qualifications, and no person authorized by the governing board of the school district to assist any employee of the district, shall be held personally liable for civil damages on account of personal injury to or death of any person resulting from the participation of the person in a civil disaster, civil defense, or fire drill or test ordered by lawful authority to be held in the schools of the employing district, unless negligence or the wilful act of the employee is the proximate cause of the injury or death.

CHAPTER 2095

An act to amend Section 2016 of the Welfare and Institutions Code, relating to aid to the aged.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 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 except the State Social Welfare Board may waive this requirement for statutory changes in grant. The pricing established for food, clothing, incidentals, and personal needs, household operations and transportation, shall be compatible with decency and health.

Budgetary allowances for goods and services shall not be reduced solely on the basis that the goods and services are being purchased from a responsible relative of the recipient but such allowances to the recipient shall not exceed the cost of such goods and services to the relative.

CHAPTER 2096

An act to amend Section 640a of the Penal Code and add Section 640b, relating to fraudulent use of coin-box telephones.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

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

Misuse of slot machines, etc.

640a. 1. Any person who shall knowingly and wilfully operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine or receptacle shall be guilty of a misdemeanor.

2. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any automatic vending machine, slot machine or other receptacle, depository or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing or having cause to believe that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor.

SEC. 2. Section 640b is hereby added to the Penal Code, to read:

Misuse of coin-box telephones

640b. 1. Any person who knowingly, wilfully and with intent to defraud the owner, lessee or licensee of any coin-box telephone, shall operate or cause to be operated, attempt to operate, or attempt to cause to be operated, any coin-box telephone by means of any slug or any false, counterfeited, muti-

lated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by such owner, lessee or licensee, or any person who, knowingly, wilfully and with intent to defraud the owner, lessee or licensee of any coin-box telephone, shall take, obtain or receive from or in connection with any such coin-box telephone, the use or enjoyment of any telephone or telegraph facilities or service, without depositing in or surrendering to such coin-box telephone lawful coin of the United States of America to the amount required therefor by such owner, lessee or licensee, shall be guilty of a misdemeanor.

2. Any person who, with the intent to cheat or defraud the owner, lessee or licensee or other person entitled to the contents of any coin-box telephone, or who, knowing or having cause to believe that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such coin-box telephone, shall be guilty of a misdemeanor.

CHAPTER 2097

An act to add Section 25101.1 to, and to amend Section 25101 of, the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 25101 of the Revenue and Taxation Code is amended to read:

Basis of allocation

25101. When the income of a taxpayer subject to the tax imposed under this part is derived from or attributable to sources both within and without the State, the tax shall be measured by the net income derived from or attributable to sources within this State. Such income shall be determined by an allocation upon the basis of sales, purchases, expenses of manufacture, pay roll, value and situs of tangible property or by reference to any of these or other factors or by such other method of allocation as is fairly calculated to determine the net income derived from or attributable to sources within this State; provided, however, that any such factors or other method of allocation shall take into account as income derived from or attributable to sources without the State, income derived from or attributable to transportation by sea or air without the State, whether or not such transportation is located in or subject to the jurisdiction of any other state, the United States or any foreign country. Income attributable to isolated or occasional transactions in states or countries in which the taxpayer is not doing business shall be allocated to the state in which the taxpayer has its principal place of business or commercial domicile.

If the Franchise Tax Board reallocates net income upon its examination of any return, it shall, upon the written request of the taxpayer, disclose to him the basis upon which its reallocation has been made.

SEC. 2. Section 25101.1 is added to the Revenue and Taxation Code, to read:

Applicability

25101.1. The amendments made at the 1957 Regular Session of the Legislature to Section 25101 of the Revenue and Taxation Code shall be applicable only with respect to income years beginning after December 31, 1956. The determination as to whether income derived from or attributable to transportation by sea or air is allocable to or taxable by California for any income year beginning before January 1, 1957, shall be made as if Section 25101 had not been amended at the 1957 Regular Session of the Legislature and without inferences drawn from the fact that such amendments were not expressly made applicable with respect to income years beginning before January 1, 1957.

CHAPTER 2098

An act to amend Section 7512 of the Business and Professions Code, relating to the Bureau of Private Investigators and Adjusters.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 7512 of the Business and Professions Code is amended to read:

7512. The Governor may appoint a chief of the bureau, at a salary to be fixed and determined by the director with the approval of the Director of Finance.

The director may, in accordance with the State Civil Service Act, appoint and fix the compensation of such inspectors, investigators, and other personnel as may be necessary for the administration and enforcement of this chapter. Any person employed to investigate alleged violations of this chapter and to prosecute violators shall have the authority of a peace officer in the performance of his official duties.

CHAPTER 2099

An act to provide for claims for loss of fishing equipment due to removal of nets from District 12B.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. The Legislature hereby finds and declares that it is the public policy of this State to reimburse, where pos-

sible, persons whose boats, nets, and other fishing equipment owned by them May 15, 1957 have been rendered valueless by enactment of Senate Bill No. 525 of the 1957 Regular Session of the Legislature, which prohibited the use of nets in Fish and Game District 12B. Therefore, all persons so affected may file claims with the Board of Control within six months after the effective date of Senate Bill No. 525 for reimbursement for all boats, nets, and other fishing equipment and facilities rendered useless by enactment of Senate Bill No. 525, which boats, nets and fishing equipment shall become property of the State on payment of such claims.

The Board of Control shall receive such claims, analyze and tabulate them, taking into consideration the value of such boats, nets and fishing equipment as property of the State, and make a full report thereon to the Legislature not later than the fifth legislative day of the 1958 Regular Session.

CHAPTER 2100

An act to amend Section 28146 of the Government Code, relating to compensation for public services in counties of the forty-sixth class.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28146 of the Government Code is amended to read:

Compensation Forty-sixth class

28146. In a county of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums:

(a) The auditor, three thousand five hundred twenty dollars ($3,520) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year, and he shall not engage in the private practice of the law.

(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.

Each supervisor shall receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business.

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 seven dollars ($7) 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 warrants 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 six dollars ($6) a day for each day's actual attendance, and ten cents ($0.10) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

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

CHAPTER 2101

An act to amend Sections 11575, 11581 and 11583 of, and to add Sections 11575.1 and 11575.2 to, the Water Code, relating to the acquisition of property for state water development purposes.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 11575 of the Water Code is amended to read.

Acquisition of property

11575. For the purpose of constructing, maintaining, and operating the project and for the purpose of providing and

substituting new facilities for facilities to be taken or destroyed, the department may acquire for and in the name of the State, by gift, exchange, purchase, or eminent domain proceedings any and all water, water rights, rights of way, easements, land, electric power, power resources and facilities, and property or appurtenances thereto of every kind and description and any appurtenances to any such property as the department determines to be required and necessary for the proper construction, maintenance, and operation of the project and for effectuating the purposes and objects to be accomplished by the construction, maintenance, and operation of the project, and for providing and substituting new facilities for facilities taken or destroyed.

SEC. 2. Section 11575.1 is added to said code, to read:

11575.1. The authority conferred by Section 11575 to acquire property for water purposes, includes authority to acquire property necessary for future needs.

SEC. 3. Section 11575.2 is added to said code, to read:

Partial utilization

11575.2. Whenever a part of a parcel of land is to be taken for state water development purposes and the remainder is to be left in such shape or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the department may acquire the whole parcel and shall sell the remainder or shall exchange the same for other property needed for state water development purposes.

SEC. 4. Section 11581 of said code is amended to read:

Declaration of necessity

11581. The department has no power to commence any proceedings in eminent domain unless and until the director first makes a declaration, concurred in by resolution of the State Water Board, that public interest and necessity require the acquisition of the property; provided, the project for which the property is being acquired has been authorized and funds are available therefor.

SEC. 5. Section 11583 of said code is amended to read:

Prior public appropriation

11583. Property already appropriated to public use shall not be taken unless for a more necessary public use than that to which it has already been appropriated.

CHAPTER 2102

An act to amend Sections 2807, 4641, 4642, and 4643, and to repeal Sections 3101, 3102, 3103, and 3104 of the Education Code, relating to the school district organization.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2807 of the Education Code is amended to read:

Union school district

2807. If a majority of the votes cast at the election in each of any two or more of the school districts is in favor of the union school district, the union school district is formed but if a majority of the votes cast in any district are against the formation of the union school district, that district shall not be included in the union school district and the union school district shall be formed to include only those districts which are contiguous to each other and in which a majority of the votes cast favored the formation of the union school district. The county superintendent shall, within 15 days after receiving the returns of the election, notify the county assessor, the county clerk, and the county auditor of the formation of the union school district.

Repeals

SEC. 2. Sections 3101, 3102, 3103, and 3104 of said code are hereby repealed.

SEC. 3. Section 4641 of said code is amended to read:

Merger of coterminous districts

4641. On the first day of July succeeding the date upon which the boundaries of an elementary district, high school district, and junior college district become coterminous, the districts shall be merged into a new district to be known as the "_____ Unified School District" and the elementary district, high school district, and junior college district shall cease to exist except for such purposes as are set forth in this chapter.

SEC. 4. Section 4642 of said code is amended to read:

4642. On the first day of July next succeeding the date upon which the boundaries of an elementary school district and high school district become coterminous, the districts shall be merged into a new district to be known as the "_____ Unified School District" and the elementary school district and high school district shall cease to exist except for such purposes as are set forth in this chapter.

SEC. 5. Section 4643 of said code is amended to read:

Excess tax rate

4643. If prior to the date when the boundaries of an elementary district and a high school district become coterminous, the voters of the elementary or high school district at an election had voted a district tax rate in excess of the maximum tax rate prescribed by Section 6357, such excess tax rate in either or both districts shall be continued at the option of the governing board of the newly formed unified school district for a period not to exceed the remaining number of years for which the tax was previously authorized. This section shall apply to unified districts in existence for all purposes on and after July 1, 1954.

CHAPTER 2103

An act to amend Section 68891 of the Government Code, relating to compensation for public service.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 68891 of the Government Code is amended to read:

68891. The annual salary of the reporter of the decisions of the Supreme Court and of the district courts of appeal is fifteen thousand dollars ($15,000). The salaries of the assistants shall be established pursuant to Section 18004 of the Government Code. Each of the persons so appointed shall serve in full-time employment.

CHAPTER 2104

An act to add Article 2.5 (commencing at Section 250) to Chapter 2.5 of Division 1 of the Water Code, relating to water.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 2.5 is added to Chapter 2.5 of Division 1 of the Water Code, to read:

Article 2.5. Acquisition and Disposal of Property

Power to condemn

250. In the name of the people of the State of California, the department may condemn for state water and dam purposes, under the provisions of the Code of Civil Procedure relating to eminent domain, any real property or interest therein which it is authorized to acquire. The department shall not commence any such proceeding in eminent domain unless the project for which the property is being acquired has been authorized, funds are available therefor, and the director first issues a declaration declaring that public interest and necessity require the acquisition, construction or completion by the State, acting through the department, of the improvement for which the real property or interest therein is required and that the real property or interest therein described in such declaration is necessary for the improvement.

Declaration as evidence

251. The declaration of the director, supported by a resolution of the State Water Board or its successor, shall be conclusive evidence:

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

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

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

Prior public appropriation

251.1. Property already appropriated to public use shall not be taken unless for a more necessary public use than that to which it has already been appropriated.

Park property

252. The real property which the department may acquire by eminent domain, or otherwise, includes any property dedicated to park purposes, however it may have been dedicated, when the director has determined by such declaration that such property is necessary for state water and dam purposes

Purposes of acquisition

253. The department may acquire, either in fee or in any lesser estate or interest, any real property which it considers necessary for state water and dam purposes. Real property for such purposes includes, but is not limited to, real property considered necessary for any of the following purposes:

(a) For rights of way.

(b) For the purposes of exchanging the same for other real property to be used for rights of way.

(c) For rock quarries, gravel pits, or sand or earth borrow pits.

(d) For offices, shops, or storage yards.

(e) For parks adjoining or near any state dam or water facility.

(f) For the culture and support of trees which benefit any state dam or water facility by aiding in the maintenance and preservation of the facility.

(g) For drainage in connection with any state dam or water facility.

Partial utilization

254. Whenever a part of a parcel of land is to be taken for state dam or water purposes and the remainder is to be left in such shape or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the department may acquire the whole parcel and may sell the remainder or may exchange the same for other property needed for state dam or water purposes.

Condemnation for exchange

255. Whenever property which is devoted to or held for some other public use for which the power of eminent domain might be exercised is to be taken for state dam or water purposes, the department may, with the consent of the person or agency in charge of such other public use, condemn, in the name of the people of the State of California, real property to be exchanged with such person or agency for the real property so to be taken for state dam or water purposes. This section does not limit the authorization to the department to acquire, other than by condemnation, property for such purposes.

Nearby property

256. The department may condemn real property or any interest therein for reservations in and about and along and

leading to any state dam or water facility or other public work or improvement constructed or to be constructed by the department and may, after the establishment, laying out and completion of such improvement, convey out any such real property or interest therein thus acquired and not necessary for such improvement with reservations concerning the future use and occupation of such real property or interest therein, so as to protect such public work and improvement and its environs and to preserve the view, appearance, light, air and usefulness of such public work; provided, that land so condemned under authority of this section shall be limited to parcels lying wholly or in part within a distance of not to exceed 500 feet from the closest boundary of such public work or improvement; provided, that when parcels which lie only partially within such limit of 500 feet are taken, only such portions may be condemned which do not exceed 600 feet from said closest boundary.

Deeds, etc

257. The director may execute all deeds or conveyances necessary to convey any real property or interest therein to be sold or exchanged under the provisions of this code. He may insert in any such deed or conveyance such conditions, covenants, exceptions and reservations as in his opinion are in the public interest or may convey in fee simple absolute. All statutes relating to state lands or to reservations of minerals therein or to reservations of rights to prospect for or mine or remove such minerals are inapplicable to lands heretofore or hereafter acquired by the State or conveyed by the State pursuant to the provisions of this code or pursuant to the provisions of previously existing statutes codified in this code, and no such statute in respect to state lands hereafter enacted shall be applicable thereto unless the Legislature expressly so declares.

It shall be conclusively presumed in favor of any purchaser for value and without notice of any real property or interest therein conveyed pursuant to the provisions of this code that the department acted within its lawful authority in acquiring the property, and that the director acted within his lawful authority in executing any deed or conveyance or lease authorized by this code.

Future needs

258. The authority conferred by this code to acquire real property for state dam and water purposes includes authority to acquire for future needs. The department is authorized to lease any lands which are held for state dam and water purposes and are not presently needed therefor on such terms and conditions as the director may fix and to maintain and care for such property in order to secure rent therefrom.

Condemnation of common carrier property, etc.

259. When the department condemns the property of any common carrier railroad, other public utility, or state agency, or the appurtenances thereof, it shall be governed by the provisions of Article 3, Chapter 6, Part 3, Division 6 of this code.

CHAPTER 2105

An act to amend Section 28139 of the Government Code, relating to compensation for public service in counties of the thirty-ninth class.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 28139 of the Government Code is amended to read:

28139. In a county of the thirty-ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand six hundred dollars ($3,600) 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 for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business. In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the county seat. Grand jurors shall receive seven dollars ($7) for each day's attendance and ten cents ($0.10) for each mile actually traveled. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

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

CHAPTER 2106

An act to amend Section 1028.1 of the Government Code, relating to the duties and the dismissal of public employees.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 1028.1 of the Government Code is amended to read:

1028.1. It shall be the duty of any public employee who may be subpenaed or ordered by the governing body of the state or local agency by which such employee is employed, to appear before such governing body, or a committee or subcommittee thereof, or by a duly authorized committee of the Congress of the United States or of the Legislature of this State, or any subcommittee of any such committee, to appear before such committee or subcommittee, and to answer under oath a question or questions propounded by such governing body, committee or subcommittee, or a member or counsel thereof, relating to: Mandatory answers

(a) Present personal advocacy by the employee of the forceful or violent overthrow of the Government of the United States or of any state.

(b) Present knowing membership in any organization now advocating the forceful or violent overthrow of the Government of the United States or of any state.

(c) Past knowing membership at any time since October 3, 1945, in any organization which, to the knowledge of such employee, during the time of the employee's membership advocated the forceful or violent overthrow of the Government of the United States or of any state.

(d) Questions as to present knowing membership of such employee in the Communist Party or as to past knowing membership in the Communist Party at any time since October 3, 1945.

(e) Present personal advocacy by the employee of the support of a foreign government against the United States in the event of hostilities between said foreign government and the United States.

Any employee who fails or refuses to appear or to answer under oath on any ground whatsoever any such questions so propounded shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law. Dismissal

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CHAPTER 2107

An act to amend Sections 984, 985, 1176, 2652, 2655, 2708, 2801, 2804, 3260, 3270, and 3271, and to add Section 3254.5 to the Unemployment Insurance Code, relating to unemployment compensation disability benefits.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 984 of the Unemployment Insurance Code is amended to read:

984. Beginning on January 1, 1936, each worker shall contribute one-half of 1 percent of the wages paid to him by Worker's contribution

each employer with respect to employment; and beginning on January 1, 1937, nine-tenths of 1 percent of such wages and on and after January 1, 1938, and after his employer has satisfied the conditions set forth in this part with respect to becoming an employer, 1 percent of such wages; except that the rate of contributions required of a worker shall not in any year exceed 50 percent of the general rate required of employers.

"Wages" Beginning on January 1, 1958, the term "wages," for the purposes of this section, shall mean wages as defined in Article 2 (beginning with Section 926) of Chapter 4 of this part, except that it shall include remuneration in an amount up to and including three thousand six hundred dollars ($3,600) paid to an individual by an employer during any calendar year after December 31, 1957, with respect to employment.

SEC. 2. Section 985 of said code is amended to read:

Exemptions 985. Section 984 shall not apply to that part of remuneration which, after remuneration equal to three thousand dollars ($3,000) has been paid to an individual by an employer with respect to employment during any calendar year, is paid after December 31, 1939, and prior to January 1, 1947, to such individual by such employer with respect to employment during such calendar year; or that part of the remuneration which, after remuneration equal to three thousand dollars ($3,000) with respect to employment after 1939 has been paid to an individual by an employer during any calendar year after 1946, and prior to January 1, 1958, is paid to such individual by such employer during such calendar year; or that part of the remuneration which, after remuneration equal to three thousand six hundred dollars ($3,600) with respect to employment after 1939 has been paid to an individual by an employer during any calendar year after December 31, 1957, is paid to such individual by such employer during such calendar year.

SEC. 3. Section 1176 of said code is amended to read:

Refunds 1176. If, by reason of an employee receiving wages from more than one employer during any calendar year after the calendar year 1946, and prior to January 1, 1958, the wages received by him during such year exceed three thousand dollars ($3,000), and the sum of the amount of tax imposed by Section 984 plus the amount of any contributions under Section 3260 deducted from such wages exceeds thirty dollars ($30), the employee is entitled to a refund of the amount of the excess. If, by reason of an employee receiving wages from more than one employer during any calendar year after December 31, 1957, the wages received by him during such year exceed three thousand six hundred dollars ($3,600), and the sum of the amount of tax imposed by Section 984 plus the amount of contributions under Section 3260 deducted from such wages exceeds thirty-six dollars ($36), the employee is entitled to a refund of the amount of the excess. Refunds under this section shall be made by the director from the Disability

Fund if, within six months after the calendar year in which the excess wages are received, the employee makes a claim establishing his right to the refund. No interest shall be allowed or paid with respect to such refund. The director shall in accordance with authorized regulations determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to voluntary plans for which deductions were made under Section 3260, such determination to be based upon the relation during the preceding calendar year of the amount of wages subject to contributions to the Disability Fund to the amount of wages exempt from contributions to the Disability Fund under Section 3252. The director shall in accordance with authorized regulations prorate such aggregate amount among the applicable voluntary plans and shall assess and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Section 3265 in respect to assessment and recovery of amounts paid by the Disability Fund shall apply to the assessments under this section.

SEC. 4. Section 2652 of said code is amended to read:

Minimum qualifying wage

2652. An individual cannot establish a valid claim unless he has during his disability base period been paid wages for employment by employers of not less than three hundred dollars ($300).

SEC. 5. Section 2655 of said code is amended to read:

Weekly benefit table

2655. An individual's "weekly benefit amount" shall be the amount appearing in Column B in the table set forth in this section on the line of which in Column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$75- $149.99	$10
150- 174.99	11
175- 199.99	12
200- 224.99	13
225- 249.99	14
250- 274.99	15
275- 299.99	16
300- 324.99	17
325- 349.99	18
350- 374.99	19
375- 399.99	20
400- 424.99	21
425- 449.99	22
450- 474.99	23
475- 499.99	24

A Amount of wages in highest quarter	B Weekly benefit amount
$500- $524.99	25
525- 549.99	26
550- 574.99	27
575- 599.99	28
600- 624.99	29
625- 649.99	30
650- 674.99	31
675- 699.99	32
700- 724.99	33
725- 749.99	34
750- 774.99	35
775- 799.99	36
800- 824.99	37
825- 849.99	38
850- 874.99	39
875- 899.99	40
900- 924.99	41
925- 949.99	42
950- 974.99	43
975- 999.99	44
1,000- 1,024.99	45
1,025- 1,049.99	46
1,050- 1,074.99	47
1,075- 1,099.99	48
1,100- 1,124.99	49
1,125 and over	50

For the purpose of this section, when an individual has been paid remuneration which would be taxable except for the three thousand dollars ($3,000) limitation on taxable wages in effect prior to January 1, 1958, or the three thousand six hundred dollars ($3,600) limitation in effect after December 31, 1957, the "quarter of his base period in which his wages were the highest" may be determined by allocating to any quarter of the calendar year falling within the base period that portion of the taxable wages which is equal to the amount of remuneration paid to him in that quarter or one thousand one hundred twenty-five dollars ($1,125), whichever is the lesser. The term "remuneration" as used in this section means taxable wages as well as wages which would be taxable except for the three thousand dollars ($3,000) or the three thousand six hundred dollars ($3,600) limitation on taxable wages.

SEC. 6. Section 2708 of said code is amended to read:

Medical certificate

2708. The director shall require for each uninterrupted period of disability that the first claim for disability benefits be supported by the certificate of a physician as defined in Section 3209.3 of the Labor Code, or the certificate of a dentist or chiropodist duly licensed under California state law, acting within the scope of his practice. The certificate shall con-

tain a statement of the medical facts within his knowledge, his conclusion with respect to the disability of the claimant and his opinion with respect to probable duration of the disability. The claim of any eligible individual who obtains care and treatment outside this State or in any foreign country may, pursuant to authorized regulations, be supported by a like certificate of a similar licensee of the state or foreign country in which the claimant is receiving care and treatment. With respect to any eligible claimant who is hospitalized in a county hospital in this State or is hospitalized by said county hospital in another hospital, a certificate as to such individual's disability as shown by his hospital chart signed by the registrar of the hospital shall satisfy the requirements of this section. Where any eligible claimant is hospitalized in or under the care of any medical facility of the United States Government, a certificate as to such individual's disability signed by any duly authorized medical officer of such facility shall satisfy the requirements of this section.

SEC. 7. Section 2801 of said code is amended to read:

Hospital benefit

2801. During confinement in a hospital, an individual eligible for benefits under this part is entitled to receive in addition to all benefits otherwise provided in this division and irrespective of his receipt of remuneration from his employer, the amount of twelve dollars ($12) for each day not in excess of 20 days in any one disability benefit period, during which he is so confined pursuant to orders of his physician.

SEC. 8. Section 2804 of said code is amended to read:

2804. When an individual is furnished or is compensated for hospitalization pursuant to the Workmen's Compensation Law or an employer's liability law of this State or of any other state or of the Federal Government he shall be ineligible to receive the twelve dollars ($12) per day as provided in Section 2801 for any day for which he is receiving or is eligible to receive in the form of cash payments benefits under the Workmen's Compensation Law or an employer's liability law of this State or of the Federal Government or for which he is serving any waiting period required by any such law.

SEC. 9. Section 3254.5 is added to said code, to read:

Continuation of voluntary plan

3254.5. A voluntary plan in force and effect at the time a successor employing unit acquires the organization, trade, or business, or substantially all the assets thereof, or a distinct and severable portion of such organization, trade, or business, and continues its operation without substantial reduction of personnel resulting from such acquisition, shall not terminate without specific request for cancellation thereof. The successor employing unit shall be deemed to have consented to the plan, and agreed to make the pay roll deductions required, if any, and transmit the proceeds to the plan insurer, if any, unless written request for cancellation is transmitted to the director within 30 days after the acquisition date. Promptly upon notice of change in ownership any insurer of such a plan shall prepare and issue policy forms and amendments as required,

unless the plan is canceled. Nothing herein contained shall prevent future cancellation of any such plans upon 60 days notice, or at the expiration of one year from its original effective date, whichever is later.

SEC. 10. Section 3260 of said code is amended to read:

Wage deductions

3260. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan for the purpose of providing the disability benefits specified in this part and the costs as set forth in Section 3269 an amount not in excess of that which would be required by Section 984 if the employee were not covered by the plan.

With respect to individuals covered by a voluntary plan on January 1, 1958, the amount of the deduction on or after that date may be increased to a maximum of 1 percent of three thousand six hundred dollars ($3,600) of annual taxable wages without any further consent of the individual or approval by the director.

SEC. 11. Section 3270 of said code is amended to read:

Adverse risks

3270. The provisions of Section 3254(h) and 3255(h), dealing with substantial selection of risks adverse to the Disability Fund shall be inoperative during the calendar years 1954, 1955, 1956, 1957, 1958 and 1959.

SEC. 12. Section 3271 of said code is amended to read:

Commission approval

3271. Until January 1, 1960, the commission shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which it finds that the plan as amended will conform to the standards set forth in Section 3254 and that either of the following exist:

(a) A majority of the employees covered by the plan have consented in writing to the amendment.

(b) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(c) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1960.

Operative dates

SEC. 13. The amendments of Sections 2652, 2655, 2708, 2801, and 2804 of the code made by this act shall become operative with respect to periods of disability commencing on

and after January 1, 1958, and the provisions of said sections of the code in effect prior to such amendments shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1958.

SEC. 14. Section 3254.5 as added by Section 9 of this act shall become operative on January 1, 1958.

CHAPTER 2108

An act to add Section 266 to the Revenue and Taxation Code, relating to the college exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. Section 266 is added to the Revenue and Taxation Code, to read:

College exemption

266. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1957 on property as to which the college 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.

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:

Some colleges 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 2109

An act to amend Sections 25526, 25527, 25530 and 25531 of, and to repeal Section 25370, of the Government Code, relating to the sale and leasing of county real property.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 25526 of the Government Code is amended to read:

Declaration of intention

25526. Before ordering the sale or lease of any property the board of supervisors shall, in a regular open meeting, by a two-thirds vote of all its members, adopt a resolution, declaring its intention to sell the property, or a resolution declaring its intention to lease it, as the case may be. The resolution shall describe the property proposed to be sold, or leased, in such manner as to identify it and shall specify the minimum price, or rental, and the terms upon which it will be sold, or leased, and shall fix a time, not less than three weeks thereafter for a public meeting of the board of supervisors to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

SEC. 2. Section 25527 of said code is amended to read:

Real estate commission

25527. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the fact that such a commission will be paid and the rate thereof shall be specified in the resolution. No commission shall be paid unless the resolution specifically provides for the payment of the same and there is contained in or with the sealed proposal or stated in or with the oral bid, which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

SEC. 3. Section 25530 of said code is amended to read:

Written bids

25530. At the time and place fixed in the resolution for the meeting of the board of supervisors, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids. In determining which is the highest sealed proposal, the board shall not subtract therefrom the commission, if any, which the proposal provides shall be paid to a licensed real estate broker. If the highest bid provides for such commission, the board shall pay to the broker the

commission specified in the resolution, as provided in Section 25527.

SEC. 4. Section 25531 of said code is amended to read:

25531. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal which is made by a responsible person, such highest oral bid shall be finally accepted. In determining which is the highest oral bid the board shall not subtract therefrom any commission to be allowed to a licensed real estate broker, stated in or with the oral bid, but the board shall allow a commission at the rate specified in the resolution, as prescribed by Section 25527. Such commission shall not exceed one-half the difference between the highest sealed proposal and such highest oral bid, except that if both the highest sealed proposal and the highest oral bid were procured by licensed real estate brokers then the commission shall be divided between them in the manner provided by Section 25532. Oral bids

SEC. 5. Section 25370 of the Government Code is repealed. Repeal

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CHAPTER 2110

An act to amend Section 4902 of, and to add Sections 4902.01, 4902.02, 4902.03, and 4902.04 to, the Education Code, relating to the optional reorganization of school districts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 4902 of the Education Code is amended to read:

4902. Each county committee shall study the school district organization of the county and shall, under the direction of the State Board of Education, formulate plans and recommendations for the unification or other reorganization of the school districts in the county or any portion thereof including, if necessary, a portion of one (1) or more adjacent counties. It shall transmit the plans and recommendations to the State Board of Education. If any proposed reorganization affects the territory of any adjacent county, the county committee or county committees, as the case may be, of any such adjacent county or counties shall be requested in writing to concur in the plans and recommendations of the county committee. If the county committee or committees of the adjacent county or counties, as the case may be, concur in the plans and recommendations, such concurrence shall accompany the recommendations transmitted to the State Board of Education. If the Reorganization of school districts

county committee of any adjacent county fails to respond to the request of the county committee of another county within 90 days of the date of such request, such failure shall be deemed to be a concurrence in the plans and recommendations. If the county committee of any adjacent county does not concur in the plans and recommendations as formulated by another county committee, it shall notify the other county committee in writing of its failure to concur and accompany such notification with plans and recommendations for the unification or other reorganization of the school districts of its county which includes the territory that would be affected by the plans and recommendations of the other county committee.

SEC. 2. Section 4902.01 is added to said code, to read:

Board of review

4902.01. The county committee of any county which has formulated plans and recommendations for the unification or other reorganization of the school districts of the county and in which the county committee of an adjacent county fails to concur, may request the Superintendent of Public Instruction to appoint a board of review to consider the plans and recommendations of the county committee and the alternate plans and recommendations of the nonconcurring county committee. Upon receipt of the request the Superintendent of Public Instruction shall create a board of review composed of the chairmen of the county committees of five counties other than the counties in which any territory included in the proposed reorganization is located.

The members of the board of review shall receive their actual and necessary traveling expenses. The board of supervisors of each county, the school districts of which would be affected by the plans and recommendations to be considered by the board of review, shall allow to each member an equally proportionate part of his expenses, which amount shall be paid out of the county general fund.

SEC. 3. Section 4902.02 is added to said code, to read:

Hearing

4902.02. The board of review shall, upon a date set by the Superintendent of Public Instruction, survey the situation and conduct a public hearing on the question as to whether or not the plans and recommendations of the county committees, or either of them, shall be transmitted to the State Board of Education for approval.

Notice

The Superintendent of Public Instruction shall notify the county superintendents concerned and the county superintendents shall notify the interested school districts and members of the county committees of the date, time, and place of the public hearing. The hearing shall be held at one of the school buildings located in the area of the proposed reorganization.

SEC. 4. Section 4902.03 is added to said code, to read:

Procedure

4902.03. The hearing shall be conducted under such rules of procedure as may be prescribed by the board of review, which may require any or all evidence and information to be submitted under oath administered by a member of the board.

The board shall receive evidence and information on the date set for the hearing and may continue the hearing from time to time within the next succeeding 30 days for the purpose of receiving further evidence or giving further consideration to the question. If the hearing is continued, the date to which the hearing is continued shall be publicly announced at the meeting set by the Superintendent of Public Instruction or, if the hearing is continued more than one time, the continuance shall be publicly announced at the meeting preceding the date to which the hearing is continued.

SEC. 3. Section 4902.04 is added to said code, to read:

4902.04. In arriving at its conclusion, the board of review shall take into consideration the standards established by the State Board of Education pursuant to Section 4885 of this code, and to be applied in the approving of plans and recommendations of county committees, as they appear in Article 15.7 (commencing at Section 135.1) of Subchapter 1 of Chapter 1 of Title 5 of the California Administrative Code, and such other factors as the board of review deems pertinent. The board shall, not later than 30 days after the date set by the Superintendent of Public Instruction for the hearing, recommend in writing to the county committee which requested the appointment of the board of review, either that the plans and recommendations be or not be transmitted to the State Board of Education. If the recommendation of the board of review is in the affirmative, the State Board of Education may approve such plans and recommendations without concurrence of any other county committee. Deliberation and conclusions

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CHAPTER 2111

An act to add Section 107.1 to the Revenue and Taxation Code, relating to the assessment of possessory interests.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 107.1 is added to the Revenue and Taxation Code, to read:

107.1. A possessory interest, when arising out of a lease of exempt property, consists of the lessee's interest under such lease and is hereby declared to be personal property within the meaning of Section 14 of Article XIII of the Constitution of the State of California.

The full cash value of such possessory interest is the excess, if any, of the value of the lease on the open market, as determined by the formula contained in the case of De Luz Homes, Inc. v. County of San Diego (1955), 45 Cal. 2d 546, over the present worth of the rentals under said lease for the unexpired term thereof.

A possessory interest taxable under the provisions of this section shall be assessed to the lessee on the same basis or percentage of valuation employed as to other tangible property on the same roll.

This section applies only to possessory interests created prior to the date on which the decision of the California Supreme Court in De Luz Homes, Inc. v. County of San Diego (1955), 45 Cal. 2d 546, became final. It does not, however, apply to any of such interests created prior to that date that thereafter have been, or may hereafter be, extended or renewed, irrespective of whether the renewal or extension is provided for in the instrument creating the interest.

This section does not apply to 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.

CHAPTER 2112

An act to amend Sections 7109.22, 8761 (as added by Statutes of 1951, Chapter 228), and Section 8762 of; and to repeal Section 8761 (as amended by Statutes of 1947, Chapter 401) of the Education Code, relating to the Public School System.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 7109.22 of the Education Code is amended to read:

Allowances for growth

7109.22. Notwithstanding any provision of this article to the contrary, allowances for growth for high school districts maintaining only one high school with a total average daily attendance during the preceding fiscal year of less than 281 shall be computed pursuant to this section:

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 would have been apportioned on account of average daily attendance in the regular day classes 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 the regular day classes 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.

The Superintendent of Public Instruction shall add the average daily attendance for other than adults as defined in Section 9700.1 of classes for adults and summer school during the preceding year to, and deduct the average daily attendance for adults as defined in Section 9700.1 of regular day school and summer school during the preceding year from, the average daily attendance in the regular day school during the period of the current year in determining the total average daily attendance during the period of the current year required in this section.

SEC. 2. Section 8761 (as added by Statutes of 1951, Chapter 228) of said code is amended to read:

Junior high school. Tuition charge

8761. The governing board of any elementary school district not situated in a high school district maintaining a junior high school may permit pupils of their district who have completed the sixth year of the elementary school to attend any junior high school in any district, and shall pay to the district for the education of the pupils by order of the county superintendent of schools, a tuition charge which shall be agreed upon by the governing board of the elementary school district and the governing board of the district maintaining the junior high school.

SEC. 3. Section 8762 of said code is amended to read:

8762. The board of school trustees shall not pay a tuition charge greater than the average net cost per pupil for educating pupils in the junior high schools of the district of attendance, as ascertained by the county superintendent of schools, less the amount of any apportionments withheld from said elementary school district and added to said high school district pursuant to Section 7125.1, and the tuition charge shall cease to be paid after the pupil has completed two years of work in the junior high school.

Repeal

SEC. 4. Section 8761 (as amended by Statutes of 1947, Chapter 401) of said code is repealed.

CHAPTER 2113

An act to add Article 7 (commencing at Section 5080) to Chapter 1 of Division 5 of the Public Resources Code, relating to roadside rests for incidental use by the traveling public upon state highways.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 7 is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 7. Roadside Rests

Legislative intent

5080. Many persons traveling along the state highways make brief stops for the purpose of eating their meals and resting before resuming their travel. At the present time there are insufficient places where such stops can be made in safety and where free facilities are provided for eating lunches and disposing of the litter therefrom. Under the present law, such facilities could be provided, subject to the availability of funds, either by the Department of Public Works or the Division of Beaches and Parks of the Department of Natural Resources. In enacting this article it is not the intent of the Legislature to diminish any existing powers of either agency, but rather to provide specifically for the development of a system of roadside rest areas with appropriations made for the purpose of carrying out this article. In carrying out this article, the Division of Beaches and Parks and any other state or public agency may exercise all powers given to them under any law other than this article, except as expressly prohibited by this article, and shall cooperate in the exchange of pertinent information to the end that the program contemplated by this article can be coordinated with the locating, planning, and constructing of other public works.

It is the intent of the Legislature that the locating, constructing, equipping and maintaining of roadside rests be initiated on a state-wide experimental basis with minimum equipment and facilities, other equipment and facilities to be added to existing rests and included in new construction when and to the extent it is justified by experience.

"Roadside rest"

5081. As used in this article "roadside rest" means an area adjacent, or within reasonable proximity, to a state highway, suitable during daytime hours for the eating of lunches and for other brief stops taken by the traveling public along such highways.

Location, etc.

5082. Roadside rests shall be located, constructed, equipped, and maintained as the State Park Commission finds the public interest requires in the light of the condition of the site and the extent of the traffic. Roadside rests shall be located where, in the opinion of the Department of Public Works, Division of Highways, they can be located without undue hazards to traffic. All roadside rests on state highways shall be subject to the approval of the Department of Public Works, Division of Highways, as to location, fencing, and manner and extent of access to the rest areas from the highway and from adjacent private property.

The Division of Highways shall cooperate with the Division of Beaches and Parks to provide an adequate number of rest areas in connection with the National System of Interstate and Defense Highways, as provided in the Highway Revenue Act of 1956 in combination with the Federal Aid Highway Act of 1956.

Purpose

5083. The roadside rest program shall be designed and maintained to serve the daytime needs of the traveling public upon the State Highway System. Local and wider recreational needs should be met by the establishment of community, district, county, regional, or state parks, and are not intended to be provided for with funds appropriated for the purpose of carrying out this article.

Administration

5084. The provisions of this article shall be administered by the Division of Beaches and Parks under the supervision of the Director of Natural Resources in accordance with policies established by the State Park Commission.

Grants, etc

5085. The State Park Commission may accept grants on behalf of the State and may accept financial assistance for, or in aid of, roadside rests.

Property to be used

5086. The Division of Beaches and Parks may use any state park or portion thereof for the purpose of providing roadside rests and may use property of any other state or public agency or private person or of the Federal Government leased, or the temporary use of which has been granted, for the purpose of providing roadside rests.

Powers

5087. The Division of Beaches and Parks may exercise all or any portion of the powers it has with respect to roadside rests pursuant to Chapter 5 (commencing at Section 6500) of Division 7 of Title 1 of the Government Code. For the purposes of this article, "public agency" as used in said Chapter 5 includes any person, firm, association, organization, partnership, business trust, corporation, or company.

Advice of local planning commission

5088. Except as to roadside rests located in state park areas, the division shall not proceed with the establishment of any roadside rest without first seeking the advice and recommendation of the planning commission of the county in which the roadside rest is to be established.

Excess highway land

5089. Prior to the disposal by sale of excess fee-owned parcels acquired for state highway purposes, not needed for such purposes, the Department of Public Works shall notify the Division of Beaches and Parks, and the department and the division, pursuant to law, shall endeavor to arrange for the conveyance to or use by the division for roadside rest purposes of any property deemed suitable therefor by the State Park Commission; provided, that this requirement of notice shall not apply to the disposal of such excess parcels by exchange for other property, pursuant to the terms of right of way contracts making provision for such exchange, or to any other method of disposal not constituting a sale, nor shall such requirement apply to the disposal by sale or exchange of excess parcels located in urban areas or in other areas which the department and the division, by mutual agreement, consider unsuitable for development of roadside rests.

Maintenance

5090. The Division of Beaches and Parks shall be responsible for the maintenance of all roadside rests constructed and equipped by that agency. It may contract with the Department of Public Works, Division of Highways, or any public

or private agency for such maintenance work if the Director of Finance finds that maintenance by contract would be more economical. Subject to the approval of the Department of Public Works, Division of Highways, as to location of signs, the division may also erect and maintain signs indicating where roadside rests may be found, or may contract with the Department of Public Works, Division of Highways, for the erection and maintenance of the same. Roadside rest signs shall be of such shape and color as to be clearly distinguishable from highway directional signs.

Enforcement, etc., of rules

5091. State laws and rules and regulations of the State Park Commission shall be administered and enforced within roadside rests by all employees of the State authorized by the State Park Commission to do so and by all peace officers.

Litter

5092. It shall be unlawful for any person to throw or deposit any substance in a roadside rest other than in a receptacle provided for that purpose. It shall be unlawful for any person to deposit in the receptacles provided for refuse in a roadside rest any refuse or waste from homes, farms, or commercial establishments, or other material which does not arise out of the use of the roadside rest by a member of the traveling public. The violation of this section shall be a misdemeanor punishable as provided in Section 763 of the Vehicle Code, and all of the provisions of Chapter 2 (commencing at Section 735) of Division 12 of the Vehicle Code shall apply to an offense committed under this section the same as if such offense were made an offense by the Vehicle Code.

CHAPTER 2114

An act to amend Section 6301 of the Business and Professions Code, relating to boards of trustees of law libraries.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

(b) In a county in which one or more municipal courts have been established, the judges of such court or courts shall elect one of their number to serve as trustee.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors may appoint a member of the bar of the county to serve as trustee in place of said chairman.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of five members in any county in which a municipal court has not been established, or of six members in any county where such a court has been established.

CHAPTER 2115

An act to amend Sections 74502, 74503 and 74504 of the Government Code, relating to the municipal court in the City and County of San Francisco.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 74502 of the Government Code is amended to read:

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a minimum salary of one thousand dollars ($1,000) monthly during the first year of service, a salary of one thousand one hundred dollars ($1,100) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand two hundred dollars ($1,200) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

Salaries: Court clerk

SEC. 2. Section 74503 of said code is amended to read:

74503. (a) There shall be one jury commissioner and who shall perform such other duties as assigned by the judges of the court and who shall be paid a minimum salary of seven hundred thirty-five dollars ($735) monthly during the first year of service, a salary of seven hundred sixty dollars ($760) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred eighty dollars ($780) monthly after the second year of service, commencing

Jury commissioner

on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

Deputy clerks

(b) The clerk shall appoint four deputy clerks who shall be the chief division clerks in the civil, criminal, traffic and accounting departments of the court, and who shall be paid a minimum salary of six hundred seventy dollars ($670) monthly during the first year of service, a salary of seven hundred dollars ($700) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred twenty-five dollars ($725) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment. While assigned to the traffic department or the civil department of the court such chief division clerks shall be paid in addition to the salary provided by this article the additional sum of twenty-five dollars ($25) monthly.

SEC. 3. Section 74504 of said code is amended to read:

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of five hundred seventy-five dollars ($575) monthly during the first year of service, a salary of six hundred dollars ($600) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred twenty-five dollars ($625) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(b) One deputy clerk who shall be paid a minimum salary of five hundred fifty-five dollars ($555) monthly during the first year of service, a salary of five hundred sixty-five dollars ($565) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred seventy-five dollars ($575) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(c) Twenty-one deputy clerks who shall be paid a minimum salary of five hundred dollars ($500) monthly during the first year of service, a salary of five hundred twenty-five dollars ($525) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred fifty dollars ($550) after the second year of

service commencing on the first day of the month following the second anniversary of his appointment.

(d) Fifteen deputy clerks who shall be paid a minimum salary of four hundred thirty dollars ($430) monthly during the first year of service, a salary of four hundred fifty dollars ($450) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred seventy dollars ($470) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(e) Sixteen deputy clerks who shall be paid a minimum salary of four hundred dollars ($400) monthly during the first year of service, a salary of four hundred ten dollars ($410) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred twenty dollars ($420) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(f) Nineteen deputy clerks who shall be paid a minimum salary of three hundred seventy dollars ($370) monthly during the first year of service, a salary of three hundred eighty dollars ($380) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of three hundred ninety-five dollars ($395) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(g) Twenty-four deputy clerks who shall be paid a minimum salary of three hundred twenty-five dollars ($325) monthly during the first year of service, a salary of three hundred forty-five dollars ($345) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of three hundred sixty-five dollars ($365) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Two information clerks who shall be paid a minimum salary of three hundred dollars ($300) monthly during the first year of service, a salary of three hundred twenty-five dollars ($325) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of three hundred fifty dollars ($350) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

CHAPTER 2116

An act to add Section 74504.5 to the Government Code, relating to the Municipal Court in the City and County of San Francisco.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 74504.5 is added to the Government Code, to read:

74504.5. The salary of each position mentioned in this article, and the present salary of each person mentioned in Sections 74502, 74503 and 74504, shall be increased ten (10) percent over the amount therein specified, effective September 16, 1957.

CHAPTER 2117

An act to amend Section 25907 of the Government Code, relating to the leasing or granting concessions or licenses at county owned or operated public parks and recreation grounds.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 25907 of the Government Code is hereby amended to read as follows:

25907. The board of supervisors of any county owning or operating any public park or recreation area, shall have authority: (a) to lease, let or grant licenses for the use of its real estate or personal property or any portion thereof for any agricultural, horticultural, viticultural or livestock fairs or expositions, rodeos, floral displays, dog and cat shows, exhibitions of industries and industrial products or federal or state armories; to school organizations or associations thereof for the purpose of conducting athletic events participated in by such schools or associations or to civic, patriotic, benevolent, or fraternal corporations or associations, for the purpose of holding conventions, assemblies or public meetings on subjects of public or community interest; or for the sale of tangible personal property, or for concessions and services incidental to any of such purposes; or to any person, firm or corporation for concessions and services consistent with public park and recreation purposes; or to nonprofit athletic organizations for athletic activities or to nonprofit fair associations or to nonprofit agricultural associations or to municipal corporations for use or reletting for any or all of the foregoing purposes; (b) to rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock or for other purposes beneficial to the agricultural industry.

CHAPTER 2118

An act to amend Sections 14276.6, 14305, 14426, 14441, 14480.1, 14523, 14525, 14601, 14613, 14638, 14661, 14683 of, and to add Sections 14276.9 and 14522.1 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14276.6 of the Education Code is amended to read:

14276.6. "Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system or time during which he was not a member but for which he has received credit under the system, except such time as was so credited pursuant to the provisions of Sections 14452 and 14453. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. With respect to members whose retirements are effective after June 30, 1956, two or more breaks in service which are separated by periods of service each of which does not exceed one-half year of credited service, shall be added together, and for the purpose of this section, the total shall be considered as one break. Time during which a member is in state service or in the employment of a local school district or of a county superintendent of schools and is also a member of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system. Retirement allowances, heretofore effective and based on such final compensation, are hereby validated and confirmed. "Final compensation"

The board may specify a different final compensation with respect to benefits based on part-time service rendered prior to July 1, 1956, for which credit was given under this system under board rules in effect prior to such date.

SEC. 2. Section 14276.9 is added to said code, to read:

Status

14276.9. A member shall be considered to be "entitled to retirement benefits," "entitled to receive benefits," "entitled to any allowance," or "entitled to receive" any advantage referred to, as such phrases are used in this chapter, if such member occupies a status, which if continued will lead to qualification for a retirement allowance, but such words in the last paragraph of Section 14632, Section 14633, the last paragraph of Section 14639 shall mean current qualification for a retirement allowance.

The application of this definition heretofore made in the administration of the retirement system is hereby ratified, validated, and confirmed.

SEC. 3. Section 14305 of said code is amended to read:

Funds

14305. The Retirement Board shall credit contributions of the members of the Retirement System to the Retirement Annuity Fund and to the Annuity Deposit Fund with interest at a rate or rates to be declared annually by the board. Earned interest not credited to contributions shall remain in the funds as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies. The board, however, may apply to reduce the book value of securities purchased, all or part of the excess of the proceeds of the sale or redemption prior to maturity of securities over the book value of the securities sold or redeemed; provided, the purchase of securities is made with said proceeds; and provided further, that the terms of both securities from the date of sale, redemption, or purchase, as the case may be, to the respective dates of maturity, do not differ by more than five years. All such applications of excess of sales or redemption proceeds, even with greater difference in terms, heretofore made by the board are hereby validated and confirmed.

SEC. 4. Section 14426 of said code is amended to read:

Confidential data

14426. Data filed by any member or beneficiary with the Retirement Board is confidential. No official or employee who has access to the individual records shall divulge any information concerning such records to any person other than the member to whom the information relates or his authorized representative, the governing board of the school district or agency by which he is employed, or any state department or agency. They shall be used by the Retirement Board for the sole purpose of carrying into effect the provisions of this chapter. The information shall not be open to inspection by anyone except the Retirement Board and its officers and employees, and any person authorized by the Legislature to make inspections.

SEC. 5. Section 14441 of said code is amended to read:

Computation of service

14441. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service rendered during any one school year in employment requisite for membership in this system shall not count for more than one year, and the

service credited under this system to any member as rendered during any school year, shall not exceed the fraction of a year which makes one year of service, when added to the service credited to such member under the State Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California except a local system as defined by Section 14271, as rendered during such year. No time shall be included for which, or on the basis of which a member is entitled to receive a pension in a lump sum or installment payments, for other than naval or military service from any source other than this system or a local retirement system. If a retired member becomes entitled to such a pension, his retirement allowance shall be reduced thereafter to exclude the time upon which the pension is based, without other change in his retirement status No time shall be included during which a member is on retirement under this system. If, at retirement, there are contributions to the Permanent Fund and the Retirement Annuity Fund remaining to the credit of the member which were made with respect to time on the basis of which the member will not be entitled to receive a benefit from those funds, the board shall refund to the member such contributions as it may allocate to said time with credited interest.

SEC. 6. Section 14480.1 of said code is amended to read:

Annuity deposits

14480.1. Subject to rules prescribed by the board, any member may elect to make annuity deposits for the purpose of providing additional benefits. Annuity deposits may be (a) deducted from earned compensation, deposited in the county treasury, remitted and reported to the board, in the manner prescribed for annuity contributions or (b) remitted by the member directly to the retirement system. The member may cancel such election and later elect again at any time, but accumulated annuity deposits derived from such deposits made after June 30, 1955, may be withdrawn only as provided in Section 14521.

SEC. 7. Section 14522.1 is added to said code, to read:

Refunds

14522.1. If a member ceases to be entitled to credit for service in this system because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States Government, or any state government or political subdivision thereof, except a local system, he shall be entitled to a refund of the contributions paid the Teachers' Permanent Fund after July 1, 1935, and the contributions paid the Retirement Annuity Fund with interest, on account of such service.

SEC. 8. Section 14523 of said code is amended to read:

Intermittent membership

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

SEC. 9. Section 14525 of said code is amended to read:

Re-entry

14525. Any person whose contributions were repaid to him prior to July 1, 1955, and who has or will qualify for the receipt of a retirement allowance from the State Employees' Retirement System as a state member of that system or from the retirement system of the University of California shall have the right to re-enter this system and to redeposit the contributions repaid to him, with interest, as provided in Section 14524, without being employed in a status requisite for membership in this system.

SEC. 10. Section 14613 of said code is amended to read:

Cancellation

14613. Upon cancellation of the retirement allowance, the person's individual account shall be credited with amounts which are the actuarial equivalents, at that time, as based on a disabled life, where retirement had been for disability, or on an active life where retirement had been for service of the annuities being paid from the respective fund at the date of reinstatement, not to exceed the amount of his accumulated contributions as they were at the date of retirement. The individual's account shall be credited with the Permanent Fund contributions, whether made by him prior to or after retirement with respect to service rendered prior to July 1, 1944.

SEC. 11. Section 14638 of said code is amended to read:

Death following election

14638. If any person dies after the effective date of his retirement, and within 30 days from the date upon which the election or changed election is received in the office of the Retirement System at Sacramento, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death. If any person who has elected Option 1 dies after the effective date of his retirement and before the mailing of the warrant for his first retirement benefit, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death, irrespective of whether or not the said 30-day period had elapsed before his death. If any person who elected Option 2 or 3 dies after the effective date of his retirement and after the said 30-day period had elapsed, then the election of the option shall be in full force and effect.

SEC. 12. Section 14661 of said code is amended to read:

Nomination of beneficiary

14661. Whenever nomination of a beneficiary is authorized by this chapter, and no beneficiary has been nominated, the estate of the person authorized to make the nomination shall be the beneficiary. The nomination of a beneficiary under the Retirement System, other than nominations under Options 2 and 3 in Section 14637, may be revoked at the pleasure of the person making the nomination, and a different beneficiary nominated by a written instrument duly executed and filed in the office of the system in Sacramento.

SEC. 13. Section 14683 of said code is amended to read:

Cessation of benefits from local system

14683. If a person who has been retired ceases to be entitled to benefits from a local retirement system, on account of which service was excluded in the calculation of such per-

son's annuity, but who continues to be retired under this system, he shall be entitled to an annuity on account of such service, effective on the first day of the month in which he notifies the Retirement Board at its office in Sacramento. If within 90 days after said effective date, said person deposits in the Retirement Annuity Fund, an amount equal to the contributions which he would have been required to make to that fund during service rendered after June 30, 1944, if he had not then been a member of the local retirement system, less the portion of the annuity which would have been payable prior to said date, and an amount equal to which was not paid to the local district under Section 14565, with interest on the balance of the contributions remaining after deducting said portion as it would have been paid from month to month, from the first of the year next following the date on which such contribution would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Fund contributions, the annuity shall be calculated with respect to all such service on the basis of the effective date of retirement of such person. If deposit of such contributions and interest is not made, the annuity shall be calculated in said manner, but including only such service rendered prior to July 1, 1944, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit.

After-acquired local system benefits

If a person after retirement becomes entitled to a benefit from a local retirement system, based on service which was included in the calculation of his annuity, the annuity shall be recalculated as the effective date of the person's retirement, excluding said service, and the reduced retirement allowance shall be effective on the day the benefit under the local system began to accrue. Annuity contributions made on account of such service, plus interest and less the annuity paid to him on account of the contributions, shall be paid to him.

SEC. 12. Section 14601 of said code is amended to read:

Optional retirement

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

(a) Who is credited with at least 10 years of service, all of which have been served in this State immediately preceding retirement, and has attained the age of 55 years or more.

(b) Who is credited with service rendered in this State, and which is not used as a basis for benefits under any other public retirement system, except a local system; provided, he has retired since June 30, 1953, or retires concurrently, under the State Employees' Retirement System as a state member of that system or as an employee of a local school district or of a county superintendent of schools or under the retirement system of the University of California. In the calculation of allowances of members who qualify for retirement

under this subdivision, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service rendered in other states of the United States, its territories and possessions or in the Dominion of Canada. Application for retirement under this subdivision may be made at any time, but applicants shall not otherwise be subject to the provisions of Section 14606.

CHAPTER 2119

An act to amend Section 28 of Chapter 1466 of the Statutes of 1949, as amended by Chapter 256 of the Statutes of 1955, relating to property taxation, and the allocation of state funds, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 28 of the act, as amended, cited in the title hereof is amended to read:

Sec. 28. The provisions of Sections 1 to 27, inclusive, of this act shall take effect on September 2, 1950, to the end that they shall be operative for the first time with respect to assessments made as of the first Monday in March, 1960, and taxes levied and funds allocated on the basis thereof. Meanwhile, when funds are available for that purpose, the State Board of Equalization shall proceed with surveys in the manner directed by Section 1831 of the Revenue and Taxation Code, as added by this act, to assure completion of a survey pursuant to that section with respect to each county by the second Monday in July, 1960.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation for 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:

Numerous unsolved problems of such magnitude have arisen as to the proposed scope and application of Chapter 1466 of the Statutes of 1949, that if such law is permitted to become operative on July 1, 1957, as currently contemplated, even with subsequent repeal, there would be great danger of a serious dislocation in the local tax structure. In order to avoid this situation, and to permit the uninterrupted continuation of the performance of necessary public services supported by revenue raised and distributed locally, it is necessary for the immediate preservation of the public peace, health and safety that this measure be enacted to take effect at once.

CHAPTER 2120

An act to add Section 1064 to the Government Code, relating to the absence of members of governing boards of school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect immediately

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

SECTION 1. Section 1064 is added to the Government Code, to read:

1064. No member of the governing board of a school district shall absent himself from the State for more than 60 days, unless either:

(a) Upon business of the school district with the approval of the board

(b) With the consent of the governing board of the school district for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State may be extended by the governing board of the school district for an additional period not to exceed thirty (30) days.

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

Under existing law a member of the governing board of the school district may not absent himself from the State. In many instances it is essential that such person travel to other states in connection with school business and other purposes relating to his duties. In order that the administration of school districts may be carried out in the most efficient manner possible, it is essential that this impediment be removed at the earliest possible time, and that this act go into effect immediately.

CHAPTER 2121

An act to add Section 182 to the Civil Code, relating to the relation of husband and wife.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 182 is added to the Civil Code, to read:

182. For the purpose of application of the laws of succession set forth in the Probate Code to a decedent who died prior

to September 11, 1958, an alliance, which by custom of the Indian tribe, band, or group of which the parties to the alliance, or either of them, are members is commonly recognized in such tribe, band, or group as marriage, is deemed a valid marriage under the laws of this State. In the case of such marriages and for such purpose a separation, which by custom of the Indian tribe, band, or group of which the separating parties, or either of them, are members is commonly recognized in such tribe, band, or group as a dissolution of marriage, is deemed a valid divorce under the laws of this State.

This section shall be effective and shall apply only to the extent that such marriages or separations would affect succession to property subject to the laws of this State.

CHAPTER 2122

An act to add Chapter 1.5, commencing at Section 80, to Division 1 of the Elections Code, relating to the right of new residents to vote for presidential electors.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Chapter 1.5 is added to Division 1 of the Elections Code, to read:

CHAPTER 1.5. NEW RESIDENTS

New residents Definition

80. As used in this chapter "new resident" means a person qualified to vote for presidential electors under this chapter.

Voting limitation

81. A person who has been a resident of this State for at least 54 days but less than one year prior to the date of the general election at which presidential electors are to be selected shall be entitled to vote for presidential electors at such election, but for no other offices; provided, he was either a qualified elector in another state immediately prior to his removal to this State or would have been eligible to vote in such other state had he remained there until such election; and provided further, that he would be a qualified elector under Article II, Section 1 of the Constitution except that he has not resided in this State for one year.

Registration

82. A new resident shall register to vote in the same manner as a voter who meets all of the residence qualifications prescribed in Article II, Section 1, of the Constitution; provided, however, that those statements relating to state and county residence appearing in the affidavit of registration shall not be deemed applicable to a new resident. The county clerk shall clearly note on the affidavit of registration of a new resident the fact that he is a new resident and qualified to vote only to the extent provided in this chapter. The affidavits of

registration of new residents shall be separately bound and shall not be furnished to precinct boards under Section 375 nor used in connection with the preparation of the index of voters prepared under Sections 370 and 370.1.

Nothing in this section shall be construed to give to new residents a right to vote greater than that provided in this chapter.

Certification forms

83. The clerk of each county shall cause to be printed and shall keep available in his office during a year in which presidential electors are to be selected a supply of blank certification forms for the use of new residents in verifying their qualifications under this chapter. Any new resident desiring to vote in this State may obtain from the county clerk of the county in which he resides such a form to transmit to the county clerk or equivalent official of his former residence. The certification form shall read substantially as follows:

CERTIFICATION OF QUALIFICATIONS OF NEW RESIDENT

I, _____, (county clerk or equivalent official) of _____, State of _____, do hereby certify that _____ (name of new resident) was a qualified elector at the time of his (or her) removal from this State (or) would have been qualified to vote in the next presidential election had he (or she) maintained residency in this State. _____ (name of new resident) has not as of the date of this certification applied for an absent voter's ballot from this State.

Certified to by:_____
(Signature and Title of Office)

(SEAL)

Ballot application

84. Application for a ballot shall be made by a new resident, in person, to the county clerk of the county in which he resides not earlier than five days nor later than one day prior to the election. At the time of making application, the applicant shall submit to the county clerk, upon a form provided by the county clerk, a certified statement from the county clerk, or equivalent official, of his former residence to the effect that the applicant was a qualified voter in the other state immediately prior to his removal to this State or that he would have been qualified to vote in the presidential election had he remained in such other state, and that he has not applied for an absent voter's ballot from that state.

Ballot: Marking

85. If satisfied that the certification required in Section 83 is in good order, the county clerk shall give the applicant a ballot containing only the names of the presidential and vice presidential candidates. The applicant shall mark the ballot in the presence of the clerk alone in such manner as the clerk cannot see the marking. The applicant shall then fold the ballot in the clerk's presence so as to conceal the marking, deposit

and seal it in the envelope furnished by the clerk, and, in the presence of the clerk, execute the affidavit prescribed in Section 87.

Size, etc

86. The Secretary of State shall prescribe the size and dimensions of ballots to be used by new residents, and shall notify the respective county clerks of his determination at least 70 days before the election. The ballot shall be in substantially the following form:

Form

NEW RESIDENT BALLOT

To vote for the group of electors preferring presidential and vice presidential candidates whose names appear on the ballot, stamp a cross (+) in the square following the name of the party preferred.

PRESIDENTIAL ELECTORS Vote for One Group		
Adlai E. Stevenson, for President Estes Kefauver, for Vice President	Democratic	
Dwight D. Eisenhower, for President Richard M. Nixon, for Vice President	Republican	
Enoch A. Holtwick, for President Edwin M. Cooper, for Vice President	Prohibition	
for President for Vice President		

Envelope

87. The envelope into which a new resident is to place his ballot shall bear upon its face the name and official title of the county clerk and upon the other side a printed affidavit in substantially the following form:

STATE OF CALIFORNIA }
COUNTY OF _____ } ss.

I, _____, do solemnly swear that I am a citizen of the United States, that on the day of the next election for presidential electors I shall be at least 21 years of age, a resident of this State for at least 54 days but less than one year immediately prior to that election, and am a resident of the _____ Precinct, in the City or Town of _____, County of _____, State of California; that immediately prior to my removal to this State I resided in the State of _____, County of _____, (city) (town) (village) of _____, where I was a qualified elector at the time of my removal (or) where I would have been qualified to vote in the next presi-

dential election had I maintained my residency there. I have not applied, nor do I intend to apply, for an absent voter's ballot from the state from which I have removed.

_____
(Date of Signing)

_____
(Signature)

_____
(Residence Address)

Witnessed By:

_____
County Clerk of _____ County.

88. The county clerk shall deposit the envelope containing the ballot of the new resident in a safe place in his office, to be kept by him and delivered to the proper canvassing board.

89. The county clerk shall keep open to public inspection a list of all persons who have voted as new residents with the name, address, and application date of each such voter. List of voters

90. The ballots of new residents shall be canvassed at the same time and under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with the provisions of this chapter. Canvassing

91. Any person wilfully swearing falsely to the affidavit required in Section 87 is guilty of a misdemeanor. Perjury

SEC. 2. This act shall become operative only if Assembly Constitutional Amendment No. 2 is adopted by the Legislature at the 1957 Regular Session and is adopted by vote of the people, in which case it shall become operative on the date of such adoption by the people. Operative date, etc

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CHAPTER 2123

An act to amend Section 4764 of, to add Article 4.1 (commencing at Section 4768) to Chapter 3, Part 3, Division 5 of, to add Section 4755 to, and to repeal Sections 4755, 4756 and 4757 of, the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 4755 of the Health and Safety Code is repealed.

SEC. 2. Section 4755 is added to said code, to read:

4755. When the expenditure required for the work exceeds four thousand five hundred dollars ($4,500), it shall be contracted for and let to the lowest responsible bidder after notice. The notice inviting bids shall set a date for the open- Notice on bidding

ing of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by the district board as the places for posting such notice. The notice shall distinctly state the work to be done.

Action on bids

In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the district board may accept the one it chooses. If no bids are received, the district board may have the work done without further bid.

If all bids are rejected, the district board on a resolution adopted by a four-fifths vote may declare that the work can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market and may have the work done in a manner stated in the resolution in order to take advantage of this lower cost.

Calamities

If there is a present or anticipated great public calamity, as an extraordinary fire, flood, storm or other disaster the district board may by resolution adopted by a four-fifths vote declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health or property expend any sum required in the emergency without submitting such expenditure to bid.

Cost records

Cost records of the work shall be kept in the manner provided in Sections 4000 to 4007, inclusive, of the Government Code.

Exclusion

The provisions of this section shall not apply to sewerage maintenance, repair work, or to any uncompleted works under construction by district forces prior to the enactment of this section, and shall not be construed to exempt any work from the provisions of Part 7 (commencing at Section 1720) of Division 2 of the Labor Code.

Repeal

SEC. 3. Sections 4756 and 4757 of said code are repealed.

SEC. 4. Section 4764 of said code is amended to read:

Powers

4764. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist against the district or any property therein which shall have arisen out of the transaction of the affairs of the district. It shall not, however, incur any bonded indebtedness unless it submits the proposition for incurring the bonded indebtedness to the voters of the district, or if the bonded indebtedness is for an improvement district, to the voters of the improvement district, at a regular election or a special election called for that purpose and at least two-thirds of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed.

SEC. 5. Article 4.1 is added to Chapter 3, Part 3, Division 5 of said code, to read:

Article 4.1. District Employees

4768. Section 19251 of the Government Code shall apply to employees of the district. Employees

CHAPTER 2124

An act to amend Section 2002.5 of the Government Code, relating to suits against state employees.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2002.5 of the Government Code is amended to read:

2002.5. Whenever a suit is filed against an employee or officer of the State of California licensed in one of the healing arts under Division 2 of the Business and Professions Code, for malpractice alleged to have arisen out of the performance of his duties as a state employee, a copy of the complaint shall also be served upon the Attorney General and the Attorney General upon the request of such employee shall defend said suit on behalf of such employee. If there is a settlement or judgment in the suit the State shall pay the same; provided, that no settlement shall be effected without the consent of the head of the state agency concerned and the approval of the Attorney General. The settlement of such claims or judgments shall be limited to those arising from acts of such officers and employees of the State in the performance of their duties on the grounds of state institutions or facilities; or by reason of emergency aid given to inmates, state officials, employees, and to members of the public for accidents occurring on such grounds.

CHAPTER 2125

An act to add Sections 1156.3 and 13923 to the Government Code, relating to state employees.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1156 3 is added to the Government Code, to read:

1156.3. State officers and employees may authorize deductions to be made from their salaries or wages, in accordance Payroll deductions

with procedures established by the State Controller under Section 12470, for payment of charitable contributions under any plan approved by the Board of Control for such purpose under Section 13923.

SEC. 2. Section 13923 is added to the Government Code, to read:

Rules

13923. The board may approve plans for pay roll deduction from the salaries or wages of state officers and employees under Section 1156.3 for charitable contributions to the agency handling the principal combined fund drive in any area. The board shall establish necessary rules and regulations, including:

(a) Standards for establishing what constitutes the principal combined fund drive in an area.

(b) A requirement that the agency to receive such contributions shall pay, for deposit in the General Fund, the additional cost to the State of making such deductions and remitting the proceeds, as determined by the State Controller.

(c) Provision for standard amounts of deductions from which each state officer or employee may select the contribution he desires to make, if any.

(d) A prohibition upon state officers or employees authorizing more than one pay roll deduction for charitable purposes to be in effect at the same time.

(e) A provision authorizing the Controller to combine in his records deductions for employee association dues, if authorized, and charitable deductions, if authorized.

CHAPTER 2126

An act to amend Sections 18601, 18622, 18626, 18627, 18628, 18630, 18631, 18680, 18712, 18714, 18715, and 18747 of, to add Sections 18671.6, 18678.5, 18680.5, 18681.5, 18681.6, 18682.5, 18682.6, 18712.5, 18742.6, 18743.5, 18747.1, 18747.2, and 18748.5 to, and to repeal Sections 18626.5 and 18679.5 of, the Business and Professions Code, relating to boxing and wrestling.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 18601 of the Business and Professions Code is amended to read:

Definitions

18601. As used in this chapter:

"Club" includes corporation, organization or association.

"Commission" means the State Athletic Commission.

SEC. 2. Section 18622 of said code is amended to read:

Quorum

18622. Three members of the commission constitute a quorum for the transaction of business. The concurrence of at least three commissioners is necessary to render a decision.

SEC. 3. Section 18626 of said code is amended to read:

18626. The commission shall appoint an executive officer and fix his compensation. The executive officer shall carry out the duties prescribed by this chapter and such additional duties as may be delegated by the commission. The commission may employ such other personnel as may be necessary for the administration of this chapter. Executive officer

SEC. 4. Section 18627 of said code is amended to read:

18627. The commission, the executive officer or any other employee duly authorized by the commission may issue subpenas for the attendance of witnesses before the commission or any member thereof or the executive officer with the same effect as if they were issued in an action in the superior court, and they may administer oaths, in all matters appertaining to their duties or connected with the administration of the affairs of the commission. Subpenas and oaths

SEC. 5. Section 18628 of said code is amended to read:

18628. Disobedience of a subpena issued under Section 18627 of this code shall be attended by the same consequences and subject to the same penalties as if such disobedience occurred in an action in the superior court. Contempt

SEC. 6. Section 18630 of said code is amended to read:

18630. The commission shall appoint official representatives designated as "inspectors," each of whom shall receive from the commission a card, authorizing him to act as such inspector whenever the commission may designate him to act. Inspectors

SEC. 7. Section 18631 of said code is amended to read:

18631. The salaries, necessary traveling expenses and other necessary expenses of the members and employees of the commission shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certificate of the chairman of the commission out of the money appropriated to be used therefor. Salaries and expenses

SEC. 8. Section 18671.6 is added to said code, to read:

18671.6. The chief inspector in each district shall investigate all applications from persons within his district for licenses. He shall file a written recommendation over his signature with regard to the granting of the license. The chief inspector shall also, when directed by the commission, investigate appeals from the denial by the commission of any license and report his findings to the commission. Investigation

SEC. 9. Section 18678.5 is added to said code, to read:

18678.5. All applications for club licenses shall contain a true statement of all persons connected with the club. Licensees shall submit for approval to the commission any change at any time in the persons connected with the club, including stockholders in any corporate entity. Club licenses

SEC. 10. Section 18680 of said code is amended to read:

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, Fees

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.

Expiration

Every license shall expire at midnight on December 31st of the year in which such license is issued.

SEC. 11. Section 18680.5 is added to said code, to read:

Statement of connected persons

18680.5. All applications for boxing manager's licenses shall contain a true statement of all persons connected with the management. Licensees shall submit for approval to the commission any change at any time in the persons connected with the management, including stockholders in any corporate entity.

SEC. 12. Section 18681.5 is added to said code, to read:

Suspension of license

18681.5. The license of any promoter or matchmaker found guilty of managing a boxer shall be suspended or revoked and, in the case of a promoter, his club license shall also be suspended or revoked.

SEC. 13. Section 18681.6 is added to said code, to read:

Grant of license

18681.6. If in the judgment of the commission the financial responsibility, experience, character and general fitness of an applicant for a license or a renewal thereof, including in the case of a corporation its officers and stockholders, are such that the participation of such applicant will be consistent with the public interest, convenience or necessity, and with the best interests of boxing and wrestling generally and in conformity with the purposes of this chapter, the commission may grant a license in accordance with the provisions herein contained.

SEC. 14. Section 18682.5 is added to said code, to read:

Fines

18682.5. In addition to its authority under other provisions of this chapter to suspend or revoke a license, the commission shall have authority to assess fines not to exceed five hundred dollars ($500) for each violation of any of the provisions of this chapter or any of the rules or regulations of the commission.

SEC. 15. Section 18682.6 is added to said code, to read:

Temporary suspension

18682.6. The commission, the executive officer, or other employee duly authorized by the commission shall have the power to suspend temporarily any license until final determination by the commission when in his opinion such action is necessary to protect the public welfare and the best interest of boxing and wrestling. Such suspension may be without advance hearing, but the suspended licensee may apply to the commission for a hearing on the matter to determine if such suspension should be revoked. Such application for a hearing must be in writing and must be received by the commission within thirty (30) days after the date of suspension. Upon re-

ceipt of such written request the commission shall set the matter for hearing within thirty (30) days.

SEC. 16. Section 18712 of said code is amended to read:

18712. An inspector or other employee duly authorized by the commission shall be present at all contests and matches and see that the rules are strictly observed, and also be present at the counting of the gross receipts of all such contests or matches. The inspector or other employee duly authorized by the commission are authorized to assist in the counting of tickets and in the computation of the tax due thereon, and to take any other action necessary for the administration and enforcement of this chapter. The inspector or other employee duly authorized by the commission shall immediately mail to the commission the official statement of gross receipts received by him from the officers of the club. Inspectors' duties

SEC. 17. Section 18714 of said code is amended to read:

18714. Whenever any club fails to make a report of any contest or match within the period prescribed by this chapter or whenever such report is unsatisfactory to the commission the executive officer may examine or cause to be examined the books and records of the club and subpena and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest or match and the amount of tax due pursuant to this chapter, which tax he may upon and as the result of such examination fix and determine. Inadequate report

SEC. 18. Section 18715 of said code is amended to read:

18715. In case of default in the payment of any tax ascertained to be due under this chapter, together with the expenses incurred in making such examination, for a period of 30 days after notice to such delinquent club of the amount fixed by the executive officer, such delinquent shall, without action by the commission, forfeit its license and shall be thereby disqualified from receiving any new license or any renewal of license. Tax default

It shall, in addition, forfeit to the people of the State of California the sum of five hundred dollars ($500), which may be recovered by the Attorney General in the name of the people of the State of California, in the same manner as other penalties are by law recovered.

SEC. 19. Section 18742.5 is added to said code, to read:

18742.5. In its discretion the commission may order a special medical examination to be given any applicant for a license or any licensee, the report of which examination shall be made to the commission. The expense of this special examination shall be paid by the commission. Medical examination

SEC. 20. Section 18742.6 is added to said code, to read:

18742.6. For the purpose of studying and adopting proper medical and safety standards for the conduct of boxing and wrestling, the commission may call meetings at such times and places it deems appropriate with such licensed physicians and surgeons as it deems necessary and the commission is author- Safety, etc., standards

ized to pay the necessary traveling expenses and other necessary expenses of these physicians and surgeons while in attendance at these meetings.

SEC. 21. Section 18743.5 is added to said code, to read:

Referees

18743.5. No referee shall be assigned to direct or control a boxing match or sparring contest who, within the preceding six months, has not participated in a district referees' clinic at which the rules and regulations of the commission and problems relating to refereeing have been discussed.

SEC. 22. Section 18747 of said code is amended to read:

Withholding of purse Grounds

18747. The commission or the executive officer or any other employee duly authorized by the commission shall have the power to order the promoter to withhold any purse, or any part thereof, or any receipts or other funds belonging to or payable to any contestant or for which any contestant is competing or the share thereof of any manager, if, in his judgment, it should appear that such contestant is not competing honestly, or is intentionally not competing to the best of his ability and skill, or if it should appear that the contestant, his manager or any of his seconds has violated any provision of this chapter or the rules and regulations promulgated hereunder.

SEC. 23. Section 18747.1 is added to said code, to read:

Hearing

18747.1. Any purse, or portion thereof, so withheld shall be delivered by the promoter to the commission upon demand. Within ten (10) days after the end of the contest, the licensee from whom the sum was withheld shall have the right to apply in writing to the commission for a hearing. Upon receipt of such application the commission shall fix a date for a hearing

SEC. 24. Section 18747.2 is added to said code, to read:

Disposition

18747.2. Within a reasonable time after the hearing or after the expiration of ten (10) days following the contest, if no application for a hearing is filed, the commission shall meet and determine the disposition to be made of the withheld purse.

SEC. 25 Section 18748.5 is added to said code, to read:

Payment for services

18748.5. No contestant or his manager shall be paid for the services of the contestant except in the presence of an inspector or other authorized representative of the commission and the authorized representative of the commission shall report to the commission any payment not in accordance with the provisions of the contract on file with the commission.

Repeals

SEC. 26. Sections 18626.5 and 18679.5 of said code are repealed.

CHAPTER 2127

An act to amend Section 5010 and to repeal Sections 5011, 5014, 5014.1 and 5014.2 of the Public Resources Code, relating to the State Park System, and making an appropriation.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5010 of the Public Resources Code is amended to read:

5010. The State Park Commission, whenever in its judgment it is practicable to do so, shall collect fees, rentals, and other return for the use of any state park area, the amounts to be determined by the Park Commission and to be paid into the State Treasury to the credit of the State Beach and Park Fund, which is hereby created. The State Beach and Park Fund and all moneys received by the commission from any source, including eminent domain, except those received under Section 5009, are hereby continually appropriated for improvement, equipment and maintenance of state parks, state monuments, roads, roadside rests, trails and pathways, and when specifically appropriated by the Legislature for construction and acquisition of the above-named projects. Fees, etc

All moneys in the State Beach Fund, the State Park Fund and the State Park Maintenance Fund are hereby transferred to the State Beach and Park Fund and all moneys now appropriated from the above-named funds are considered appropriated from the State Beach and Park Fund, and such appropriations shall remain available for the same period as they were originally made. The State Beach Fund, the State Park Fund and the State Park Maintenance Fund are abolished All references in any law heretofore or hereafter enacted to any of such funds shall be deemed to refer to the State Beach and Park Fund.

SEC. 2. Sections 5011, 5014, 5014.1, and 5014.2 of said code are repealed. Repeals

CHAPTER 2128

An act to amend Section 6813 of the Education Code, relating to the education of mentally retarded minors.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6813 of the Education Code is amended to read:

6813. The minimum school day for pupils of kindergartens, and for mentally retarded minors in special training

schools or classes prescribed in Section 9801.2, is 180 minutes inclusive of recesses except that if a school district maintains two such classes on the same day which are taught by the same teacher, the minimum school day for each of such classes shall be 130 minutes inclusive of recesses.

CHAPTER 2129

An act to amend Sections 8776, 8779, 8780, 8781, 8782, 8804, 8851, 8852, 8853, 8991, 8992, 8993, 8994, 9011, 9012, 9013, 9014, 9151, 9152, 9172, 9173, 9255 and 9352 of the Revenue and Taxation Code and to add Sections 8783, 8852.5, 8996, 8997, 9012.5, 9012.6, 9173.5, 9173.6 and 9355 and Article 2.5 to Chapter 6 of Part 3 of Division 2 of said code, all relating to the use fuel tax.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 8776 of the Revenue and Taxation Code is amended to read:

Deficiency determinations

8776. If the board is dissatisfied with the report filed, it may compute and determine the amount to be paid upon the basis of any information available to it. One or more deficiency determinations may be made of the amount of tax due for one or for more than one month. When a business is discontinued a determination may be made at any time thereafter, within the periods specified in Section 8782, as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this part.

SEC. 2. Section 8779 of said code is amended to read:

Penalties: Negligence, etc

8779. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this part or the rules and regulations adopted under this part, a penalty of 10 percent of the amount of the determination shall be added thereto.

SEC. 3. Section 8780 of said code is amended to read:

Fraud, etc.

8780. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this part or the rules and regulations adopted under this part, a penalty of 25 percent of the amount of the determination shall be added thereto.

SEC. 4. Section 8781 of said code is amended to read:

Notice

8781. The board shall give the user 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 user 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. 5. Section 8782 of said code is amended to read:

Period of limitation.

8782. Except in the case of fraud, intent to evade the tax, or failure to make a report, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported or within three years after the report is filed, whichever period expires the later. If the user fails to make a report, the notice of determination shall be mailed within eight years after the date the report was due.

SEC. 6. Section 8783 is added to said code, to read:

Extended time for notice

8783. If before the expiration of the time prescribed in Section 8782 for the mailing of a notice of deficiency determination the taxpayer has consented in writing to the mailing of the notice after such time, the notice may be mailed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

SEC. 7. Section 8804 of said code is amended to read:

Fraud Additional penalty

8804. If the failure of a user to file a report is due to fraud or an intent to evade the tax, a penalty of 25 percent of the amount required to be paid by the user, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Section 8801.

SEC. 8. Section 8851 of said code is amended to read:

Redetermination Petition

8851. Any user against whom a determination is made under Article 2 or 3 of this chapter may petition for a redetermination within 30 days after service upon the user of notice thereof. If a petition for redetermination is not filed within the 30-day period, the determination becomes final at the expiration of the period.

SEC. 9. Section 8852 of said code is amended to read:

Notice and hearing

8852. If a petition for redetermination is filed within the 30-day period, the board shall reconsider the determination and, if the user 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.

SEC. 10. Section 8852.5 is added to said code, to read:

Change in determination

8852.5. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing.

SEC. 11. Section 8853 of said code is amended to read:

Final order or decision

8853. The order or decision of the board upon a petition for redetermination becomes final 30 days after mailing of notice thereof.

SEC. 12. Section 8991 of said code is amended to read:

Lien

8991. The excise tax, interest, and penalties are a lien upon and have the effect of an execution duly levied against any

motor vehicle in which fuel taxable under this part is used and against any other personal property of the user.

SEC. 13. Section 8992 of said code is amended to read:

8992. The lien attaches at the time a vehicle is operated in this State through the use of fuel taxable under this part.

SEC. 14. Section 8993 of said code is amended to read:

8993. The lien shall not be removed until the excise tax, interest, and penalties are paid or the vehicle or other property subject to the lien is sold in payment thereof.

SEC. 15. Section 8994 of said code is amended to read:

8994. The lien is paramount to all private liens or encumbrances of whatever character, and to the rights of any conditional vendor or any other holder of the legal title, in or to any motor vehicle which is operated in this State through the use of fuel taxable under this part.

SEC. 16. Section 8996 is added to said code, to read:

Recordation of due amounts; lien

8996. 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 five years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within five years from the date of the filing of the certificate or within five years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for five years unless sooner released or otherwise discharged.

SEC. 17. Section 8997 is added to said code, to read:

Release, etc., of lien

8997. The board may at any time release all or any portion of the property subject to any lien provided for in this part from the lien or subordinate the lien to other liens and encumbrances if it determines that the amount, interest, and penalties 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 amount, interest, and penalties.

SEC. 18. Section 9011 of said code is amended to read:

Power of sale

9011. Whenever any user is delinquent in the payment of the obligations imposed under this part, the board or its authorized representative may collect the amount due in the following manner: The board may seize any property, real or personal, subject to the lien of the tax and thereafter sell the

property, or a sufficient part of it, at public auction to pay the tax due together with any interest and penalties imposed for the delinquency and any costs incurred on account of the seizure and sale.

SEC. 19. Section 9012 of said code is amended to read:

Notice of sale

9012. Notice of the sale and the time and place thereof shall be given in writing to the delinquent user and to all persons appearing of record to have an interest in the property seized at least 10 days before the date set for the sale. The notice shall be enclosed in an envelope addressed to the user at his last known residence or place of business in this State and, in the case of any person appearing of record to have an interest in the property seized, addressed to the person at his last known residence or place of business in this State. It shall be deposited in the United States mail, postage prepaid. The notice shall also be published for at least 10 days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper of general circulation in the county, notice shall be posted in three public places in the county 10 days prior to the date set for the sale. The notice shall contain a description of the property to be sold, a statement of the amount due, the name of the user, and the further statement that unless the amount is paid on or before the time fixed in the notice of sale, the property will be sold in accordance with law and the notice.

SEC. 20. Section 9012.5 is added to said code, to read:

Tax sale of vehicle

9012.5. The board may seize any motor vehicle subject to the lien of the tax and thereafter sell the vehicle at private sale to pay the tax due, together with any interest and penalties imposed for the delinquency and any costs incurred on account of the seizure and sale.

SEC. 21. Section 9012.6 is added to said code, to read:

Notice

9012.6. Notice of the sale shall be given in writing to the delinquent user and to all persons appearing of record to have an interest in the motor vehicle at least 10 days before the date set for the sale of the vehicle. The notice shall be enclosed in an envelope addressed to the user at his last known residence or place of business and, in the case of any person appearing of record to have an interest in the motor vehicle, addressed to the person at his last known residence or place of business. It shall be deposited in the United States mail, postage prepaid. The notice shall contain a description of the motor vehicle to be sold, a statement of the amount due, interest, penalties and costs, the name of the user, and the further statement that unless the tax due, interest, penalties and costs are paid within 10 days the motor vehicle will be sold at private sale.

SEC. 22. Section 9013 of said code is amended to read:

Conduct of sale, etc

9013. At any sale the board or its authorized agent shall sell the property in accordance with the law and the notice and shall deliver to the purchaser a bill of sale for the personal

property and a deed for any real property sold. The bill of sale or deed vests title in the purchaser. The unsold portion of any property seized may be left at the place of sale at the risk of the user.

SEC. 23. Section 9014 of said code is amended to read:

Proceeds

9014. If upon any sale the moneys received exceed the amount due to the State from the user, the board shall return the excess to the user and obtain his receipt. If any person having an interest in or lien upon the property files with the board prior to the sale notice of his interest or lien, the board shall withhold payment of any excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the user is not available, the board shall deposit the excess moneys with the State Treasurer, as trustee for the user, subject to the order of the user, his heirs, successors, or assigns.

SEC. 24. Section 9151 of said code is amended to read:

Refunds

9151. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid to the board or from whom it was collected. If the State Board of Control approves, the excess amount paid or collected shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

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 the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the tax by a user to a vendor who is required to collect the tax and who gives the user a receipt therefor pursuant to Section 8732 shall be credited or refunded by the State to the user.

SEC. 25. Section 9152 of said code is amended to read:

9152. No credit or refund shall be allowed after three years from the twenty-fifth day of the month following the month for which the overpayment was made, or, with respect to determinations made under Article 2 or 3 of Chapter 4 of this part, after six months from the date the determinations became final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period, or unless the claim relates to a period for which a waiver has been given pursuant to Section 8783.

SEC. 26. Section 9172 of said code is amended to read:

Claim for refund or credit

9172. 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. 27. Section 9173 of said code is amended to read:

Legal action

9173. Within 90 days after the mailing of the notice of the board's action upon a claim for refund or credit, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

SEC. 28. Section 9173.5 is added to said code, to read:

Failure to mail notice

9173.5. 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. 29. Section 9173.6 is added to said code, to read:

Waiver

9173.6. 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. 30. Article 2.5 is added to Chapter 6 of Part 3 of Division 2 of said code, to read:

Article 2.5. Recovery of Erroneous Refunds

Erroneous refunds or credits. Action to recover

9181. The board may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California.

9182. The action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of place of trial.

9183. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

SEC. 31. Section 9255 of said code is amended to read:

Confidential information

9255. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any user visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by

any person. Information respecting the tax due from a user may be furnished, however, to any person owning or having an interest in a motor vehicle subject to the lien of the tax. The Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public. Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

Penalty for violation

Any violation of this section is a misdemeanor and is punishable by a fine not exceeding one thousand dollars ($1,000), by imprisonment not exceeding one year, or by both in the discretion of the court.

SEC. 32. Section 9352 of said code is amended to read:

Failure to file reports, etc

9352. Any person who fails or refuses to file any report required to be made, or who fails or refuses to furnish a supplemental report 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. 33. Section 9355 is added to said code, to read:

Period of limitation

9355. 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 2130

An act to amend Section 4006.5 of and to add Section 4006.6 to the Public Resources Code, relating to revegetation and reforestation of burned, deforested, and denuded forest and watershed lands, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 4006.5 of the Public Resources Code is amended to read:

Preservation of forests and vegetative cover Surveys and studies

4006.5. It is in the public interest and to the benefit of the State that forest and vegetative cover be maintained and preserved on forest and watershed lands to conserve water and soil and to prevent destructive floods.

The State Forester, with the approval of the Director of Natural Resources and the Director of Finance, may enter into

contracts with any public agency, state or federal, or with any municipal corporation or any person, firm or corporation to establish and preserve such forest and vegetative cover, and he may conduct surveys and studies, formulate plans and perform all acts incidental to such functions including any work necessary to accomplish such purposes.

The State Forester and his agents may enter upon, perform required work upon and inspect lands for the purposes herein.

In approving such contracts and in the exercise of the emergency powers provided by this section, the Director of Natural Resources shall be guided by, but not be limited to, the following principles:

(a) That the natural vegetative cover has been denuded to the extent that precipitation may create floods and serious soil depletion and erosion.

(b) That the denuded area is of a size, and the topography and soil characteristics of such a nature, that soil loss and floods will have a significant effect upon watershed values and the public welfare.

(c) That vegetative cover will not be restored by natural means in time to effectively prevent undue erosion and flood runoff, or that the natural succession of vegetation may be detrimental to the public welfare.

SEC. 2. Section 4006 6 is added to said code, to read:

Action on threatened disaster

4006.6. Whenever it is shown that impaired, burned, and denuded watershed lands may impose an imminent threat of disaster to the public health, safety and welfare from flood and erosion, the Director of Natural Resources may order the execution of surveys, work and contracts to fulfill the purposes of Section 4006 5, and may request the assistance of other state, local and federal government agencies therefor.

The Director of Natural Resources or his delegated representatives shall not be liable to civil action for trespass committed in performing such work.

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:

Forest fires have impaired, burned, and denuded large areas of watershed lands in this State. There is, as a result, an imminent threat of disaster to the public health, safety, and welfare from floods and erosion. To avert this disaster it is necessary that this act take effect immediately.

CHAPTER 2131

An act to amend Sections 9876, 9880, 9881, 9901, 9926, 9927, 9928, 10050, 10052, 10251, 10252, 10277, 10278, 10279, 10321, 10406 and 10501 of the Revenue and Taxation Code and to add thereto Article 2.5 to Chapter 5 of Part 4 of Division 2 and Sections 9882, 10279.5, 10502, 10503, 10504, and 10505, all relating to the motor vehicle transportation license tax.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 9876 of the Revenue and Taxation Code is amended to read:

Deficiency determinations:

9876. If the board is not satisfied with the return filed or amount of tax paid by any operator, it may make a deficiency determination of the tax required to be paid by the operator based upon information contained in the return or upon any information in its possesion. One or more deficiency determinations may be made of the amount of tax due for one or for more than one month. When a business is discontinued a determination may be made at any time thereafter, within the periods specified in Section 9881, as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this part.

SEC. 2. Section 9880 of said code is amended to read:

Notice

9880. The board shall give the operator 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 operator at his address as it appears in the records of the board, but the service shall be deemed complete at the time of deposit of the notice in the mail without extension of time for any reason.

SEC. 3. Section 9881 of said code is amended to read:

Period of limitation

9881. Except in the case of fraud, intent to evade this part or authorized rules and regulations, failure to make a return or claim for additional amount pursuant to Section 9927, every notice of a deficiency determination shall be mailed to the operator within three years after the date the return was due or within three years after the return of the operator is filed, whichever period expires the later. If an operator fails to make a return, or the board fails to make a claim for additional amount pursuant to Section 9927, the notice of determination shall be mailed within eight years after the date the return was due.

SEC. 4. Section 9882 is added to said code, to read:

Extended time for notice

9882. If before the expiration of the time prescribed in Section 9881 for the mailing of a notice of deficiency deter-

mination the taxpayer has consented in writing to the mailing of the notice after such time, the notice may be mailed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

SEC. 5. Section 9901 of said code is amended to read:

Board determinations, penalty

9901. If any operator fails, neglects, or refuses to file a return within the time required, the board shall make an estimate of the amount of the taxable gross receipts of the operator for the month or months for which the operator failed to make a return. Upon the basis of this estimate the board shall compute and determine the tax payable by the operator, adding to the amount of tax so determined a penalty equal to 10 percent thereof. One or more determinations may be made of the amount of tax due for one or for more than one month. When a business is discontinued a determination may be made at any time thereafter, within the periods specified in Section 9881, as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this part.

SEC. 6. Section 9926 of said code is amended to read:

Petition for redetermination

9926. Any operator against whom a determination is made by the board under Article 2 or 3 of this chapter may petition for a redetermination within 30 days after the date of mailing the notice thereof to the operator. If a petition for redetermination is not filed within the 30-day period, the determination becomes final at the expiration of the period.

SEC. 7. Section 9927 of said code is amended to read:

Notice and hearing

9927. If a petition for redetermination is filed within the 30-day period, the board shall reconsider the determination and, if the operator has so requested in his petition, shall grant the operator 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.

Change in determination

The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing.

SEC. 8. Section 9928 of said code is amended to read:

Final order or decision

9928. The order or decision of the board upon a petition for redetermination becomes final 30 days after the date of mailing the notice thereof to the operator.

SEC. 9. Section 10050 of said code is amended to read:

Security

10050. The board, whenever it deems it necessary to insure compliance with this part or any rule or regulation adopted under this part, may require any person subject to the tax imposed under this part to deposit with it such security as it may determine. The board may sell the security at public sale if it becomes necessary so to do in order to recover any amount due under this part. Notice of the sale may be served upon the person who deposited the security personally or by

mail in the manner prescribed for service of notice of a deficiency determination. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board at private sale at a price not lower than the prevailing market price thereof. Upon any sale, any surplus above the amount due shall be returned to the person who deposited the security.

SEC. 10. Section 10052 of said code is amended to read:

Conduct of persons notified

10052. After receiving the notice the persons so notified shall neither transfer nor make other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the Controller consents to a transfer or disposition or until 60 days elapse after the receipt of the notice.

SEC. 11. Article 2.5 is added to Chapter 5 of Part 4 of Division 2 of said code, to read:

Article 2.5. Warrant for Collection of Tax

Warrant: Issue

10111. The Controller or his authorized representative may issue a warrant for the collection of any tax, interest, or penalty and for the enforcement of any lien.

Force and effect

10112. The warrant shall be directed to any sheriff, constable, or marshal and shall have the same force and 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 force and effect as a levy and sale pursuant to a writ of execution.

Fees, etc.

10113. 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.

10114. 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. 12. Section 10251 of said code is amended to read:

Refunds

10251. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person from whom it was collected. If the State Board of Control approves, the excess shall thereupon be credited on any taxes then due from the operator under this part, and the balance shall be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

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

the approval of the State Board of Control, may credit such amount on any amounts then due from the operator under this part, and the balance may be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

SEC. 13. Section 10252 of said code is amended to read:

Period of limitation

10252. No credit or refund shall be allowed after three years from the twenty-fifth day of the month following the month in which the taxable operations occurred, or with respect to determinations made under Article 2 or 3 of Chapter 4 of this part, after six months from the dates the determinations become final, or after six months from the date of overpayment, whichever period expires later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 9882.

SEC. 14. Section 10277 of said code is amended to read:

Claim for refund

10277. 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. 15. Section 10278 of said code is amended to read:

Action for refund

10278. Within 90 days after the mailing of the notice of the board's action upon a claim for refund or credit, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed

SEC. 16. Section 10279 of said code is amended to read:

10279. 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. 17. Section 10279.5 is added to said code, to read:

Waiver

10279.5. 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. 18. Section 10321 of said code is amended to read:

Amounts illegally determined

10321. If any amount has been illegally determined, the board shall set forth in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board and the Controller.

SEC. 19. Section 10406 of said code is amended to read:

Confidential information

10406. It is unlawful for the board, the Controller, or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. Information respecting the tax due from an operator may be furnished, however, to any person owning or having an interest in property subject to the lien of the tax. The Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public. Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

Penalty for violation

Any violation of this section is a misdemeanor and is punishable by a fine not exceeding one thousand dollars ($1,000), by imprisonment not exceeding one year, or by both in the discretion of the court.

SEC. 20. Section 10501 of said code is amended to read:

License requirement

10501. Any person who uses any public highway in this State for the transportation of persons or property for hire or compensation without first obtaining the license required under this part or without carrying upon each motor vehicle so used the number plates or emblems required under this part is guilty of a misdemeanor, unless the act is by any other law of this State declared to be a felony.

SEC. 21. Section 10502 is added to said code, to read:

Failure to file reports, etc

10502. Any person who fails or refuses to file any report required to be made, or who fails or refuses to furnish a supplemental report 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. 22. Section 10503 is added to said code, to read:

False, etc., report

10503. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report with intent to defeat or evade the determination required by law to be made is guilty of a misdemeanor. He shall for each offense be fined not less than three hundred dollars ($300) and not more than five thousand dollars ($5,000), or be imprisoned

for not exceeding one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

SEC. 23. Section 10504 is added to said code, to read:

Violations

10504. Any violation of the provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such.

SEC. 24. Section 10505 is added to said code, to read:

Period of limitation

10505. 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.

Prior taxes paid under protest

SEC. 25. Nothing contained in this act shall be construed to prevent the commencement or maintenance of any action for the recovery of taxes paid under protest prior to the date on which this act takes effect.

CHAPTER 2132

An act to add Section 6103.2 to the Government Code and to amend Section 1559 of the Unemployment Insurance Code, relating to fees, commission, and charges for official services.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6103.2 is added to the Government Code, to read:

Fees, etc., for official services

6103.2. Section 6103 does not apply to any fee or charge or expense for official services rendered by a sheriff, marshal or constable in connection with the levy of writs of attachment or execution. Such fee, charge or expense may be advanced to the sheriff, marshal, or constable, as otherwise required by law.

SEC. 2. Section 1559 of the Unemployment Insurance Code is amended to read:

Unemployment administration fund

1559. All money in the Unemployment Administration Fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, but the director may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one million dollars ($1,000,000) to be used as a revolving fund where payment of compensation earned, traveling expense advances, payments under Sections 1786 and 1788, the fees, commissions and expenses authorized to be charged in connection with the levy of writs of attachment or execution under Article 7, Chapter 2, Part 3 of Division 2 of Title 3 of the Government Code, or other cash payments are necessary. At the close of each fiscal year or at any other time, upon the demand of the Department of Finance, the money so drawn shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

CHAPTER 2133

An act to amend Section 13144 of the Government Code, relating to interfund transactions.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 13144 of the Government Code is amended to read:

13144. Any fee subject to refund under this article, and any excess payment to a revolving fund as defined in Section 13140, may be refunded by the state agency collecting the fee or excess payment (a) before deposit in the State Treasury (b) if deposited in the State Treasury from the fund to which it was credited or from any appropriation made for such refund.

Whenever any fee subject to refund under (b) of this section has been paid into the State Treasury to the credit of two or more funds, the agency may file a single claim against one of the funds with the State Controller, covering the total amount to be refunded from each of the funds credited. The claim shall be supported by such detail as the Controller may require. At least quarterly the agency shall certify to the State Controller the amounts so paid from one fund which are properly chargeable to other funds and upon order of the State Controller the amounts so required shall be transferred from those funds to the credit of the appropriate funds.

CHAPTER 2134

An act to amend Sections 9604, 9617, 9562, 6851.1, and 6854 of the Education Code, relating to physically handicapped pupils in the public schools.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 9604 of the Education Code is amended to read:

Handicapped minors

9604. Physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

SEC. 2. Section 9617 of said code is amended to read:

"Excess expense"

9617. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each school district for the education of physically handicapped pupils. "Excess expense" as employed in this section includes the total current expenses of education incurred for remedial classes and for individual instruction of physically handicapped children in the home or in an institution, plus the excess amount of the current expenses incurred for all other physically handicapped pupils instructed in special schools, in special classes, in individual instruction at school of minors with speech disorders or defects who may be admitted at the age of three years, or in regular classes over the expense for an equal number of units of average daily attendance of pupils not classified as physically handicapped or mentally retarded pupils. "Remedial classes" as herein employed includes special classes providing remedial instruction for physically handicapped pupils who are excused in small numbers for a portion of a class period from regular, special day, and special training schools or classes, without appreciable reduction in the costs of such schools or classes.

SEC. 3. Section 9562 of said code is amended to read:

Education of handicapped minors

9562. The county superintendent of schools may, with the approval of the county board of education, provide for the education of physically handicapped minors who otherwise would be denied proper educational advantages. The education may be provided:

(a) In emergency elementary schools;

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county;

(c) By the maintenance of special classes of secondary grade;

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct;

(e) By cooperation with the Bureau of Vocational Rehabilitation of the State Department of Education in the provision of individual instruction and coordination services; or

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

SEC. 4. Section 6851.1 of said code is amended to read:

Individual instruction

6851.1. With respect to physically handicapped pupils given instruction at home or in a hospital or in the case of minors with speech disorders or defects who may be admitted at the age of three years for individual instruction at the school, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of

attendance. No provision of Chapter 13 of Division 3 of this code limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance during any fiscal year than the number of days the regular day schools of the district were maintained during such fiscal year.

SEC. 5. Section 6854 of said code is amended to read:

Attendance credit

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 or in remedial classes pursuant to Section 9562, 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 and the attendance of pupils in remedial classes pursuant to Section 9562 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 2135

An act to amend Sections 22172, 22229, 22344, 22659, and 22929 of, and to add Sections 9540 and 19094 to, the Education Code, relating to the administration of libraries.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 22172 of the Education Code is amended to read:

Reports: County librarian

22172. The county librarian shall, on or before August 31st, in each year, report to the board of supervisors and to the State Librarian on the condition of the county free library, for the year ending June 30th preceding. The reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several county librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

SEC. 2. Section 22229 of said code is amended to read:

Board of library trustees

22229. The board of library trustees, or if there is no board of trustees, then the administrative head of the library shall, on or before August 31st, in each year, report to the legislative body of the municipality and to the State Librarian on the condition of the library, for the year ending the thirtieth day of June preceding. The reports shall, in addition to other matters deemed expedient by the board of trustees or administrative head of the library, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several boards of trustees or administrative heads of the library instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

SEC. 3. Section 22344 of said code is amended to read:

22344. The board of library trustees shall file, through the librarian, on or before the last day in the month of August of each year, a report with the State Librarian at Sacramento giving the condition of the library and the number of volumes contained therein on the thirtieth day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

SEC. 4. Section 22659 of said code is amended to read:

22659. The board of library trustees shall file, through the librarian, on or before the last day of August of each year,

a report with the State Librarian at Sacramento giving the condition of its library and the number of volumes contained therein on the thirtieth day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

SEC. 5. Section 22929 of said code is amended to read:

22929. The board of library trustees shall file through the librarian on or before the last day in August of each year, a report with the State Librarian at Sacramento, giving the condition of its library and the number of volumes contained therein on the thirtieth day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

SEC. 6. Section 9540 is added to said code, to read:

County superintendent of schools

9540. Whenever the county superintendent of schools assumes responsibility for the establishment of a library or the performance of library services pursuant to this article, the county superintendent shall, on or before August 31st, in each year, report to the State Librarian on the condition of the libraries under his supervision, for the year ending June 30th preceding. The reports of the superintendent shall, in addition to other matters deemed expedient by the librarian and the superintendent, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several county superintendents or librarians, as the case may be, instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

SEC. 7. Section 19094 is added to said code, to read:

Trustees

19094. The trustees shall, on or before August 31st, in each year, report to the State Librarian on the condition of the library, for the year ending June 30th preceding. The report shall, in addition to other matters deemed expedient by the trustees or the librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the State.

CHAPTER 2136

An act to add Sections 14631.2 and 14640.5 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 14631.2 is added to the Education Code, to read:

14631.2. Retirement allowances payable for time commencing on October 1, 1957, are hereby increased to the amount they would be if the provisions of Section 14640.5 as they exist on that date had been in effect on July 1, 1956. Increase in allowances

This section does not authorize any decrease in any retirement allowance, nor does this section give any retired person, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to October 1, 1957.

SEC. 2. Section 14640.5 is added to said code, to read:

14640.5. In no event shall the retirement allowance for disability, exclusive of any annuity provided by accumulated annuity deposits, be less than the amount of the service retirement allowance, exclusive of any annuity purchased by accumulated annuity deposits, which the retiring member would have received if he had retired for service instead of disability. Minimum allowance

SEC. 3. This act shall become operative on October 1, 1957. Operative date

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CHAPTER 2137

An act to add Section 20399.5 to the Education Code, relating to employees of state colleges.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 20399.5 is added to the Education Code, to read:

20399.5. Whenever a new state college is established and an employee is transferred from an existing college to the newly established college before or during the first academic year of the newly established college, each employee so transferred shall be entitled to retain all sickness and injury, sabbatical and other leave rights and all seniority and tenure rights accumulated as an employee of the existing college as though the rights had been accumulated as an employee of the newly established college.

CHAPTER 2138

An act to amend Sections 5032, 5071, and 7745 of the Education Code, relating to repayment of unauthorized expenditures or excess apportionments.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 5032 of the Education Code is amended to read:

Unauthorized expenditures Repayment

5032. Whenever the Controller determines that any money apportioned to a school district has been expended by a school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the Controller shall furnish written notice to the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the General Fund, and shall be credited to the unapportioned balance of the appropriation from which originally paid.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this chapter, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

If, upon petition of the district, the State Controller determines that the amount to be included in the county settlement is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 6357 increased by any increase in such rate authorized by the electors of the district pursuant to Section 6358, without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the

February payment made to the district under the provisions of Section 5202.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

SEC. 2. Section 5071 of said code is amended to read:

5071. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Public School Building Loan Fund. Same

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.

If, upon petition of the district, the State Controller determines that the amount to be included in the county settlement is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 6357 increased by any increase in such rate authorized by the electors of the district pursuant to Section 6358, without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the February payment made to the district under the provisions of Section 5202.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

SEC. 3. Section 7745 of said code is amended to read:

Same

7745. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

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.

If, upon petition of the district, the State Controller determines that the amount to be included in the county settlement is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 6357 increased by any increase in such rate authorized by the electors of the district pursuant to Section 6358, without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the February payment made to the district under the provisions of Section 5202.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

CHAPTER 2139

An act to amend Sections 7712 and 7745 of, and to add Sections 7712.1, 7713.5 and 7713.6 to, the Education Code, relating to state school building aid.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7712 of the Education Code is amended to read:

Unencumbered or unexpended funds

7712. Funds apportioned to a school district under Section 7713 of this chapter for a project, remaining unencumbered or unexpended one year from the date the application of the district for such apportionment was approved, shall not be encumbered or expended except as provided in this section.

The governing board of the district shall notify the board of its desire to encumber or expend such funds. The board shall immediately request the Department of Education to, and that department shall, review the project for which apportionment was made. If the Department of Education finds that the conditions existing at the time it approved the project for which the apportionment was made have so changed that the needs of the district are less than originally determined, it shall notify the board of its findings and of the respects in which the project should accordingly be modified. The board shall review the project and revise the project in such manner as it deems necessary subject to the provisions of Section 7724, and make such changes in the purposes for which the apportionment may be expended as it deems necessary. The cost of the project as revised by the board shall be computed in the manner prescribed by Section 7713 and the excess, if any, of the amount theretofore apportioned to the district over the computed cost of the revised project shall be deducted by the board from the apportionment made to the district. The board shall give notice of its action, in writing, to the State Controller, the governing board of the district, and the county auditor and the county treasurer having jurisdiction over the state school building fund of the district. If the amount of such excess, or any portion thereof, has not been paid to the district, such excess, or portion thereof, shall be made available for apportionment to other districts. If such excess, or portion thereof, has been paid to the district, it shall not be encumbered or expended by the district and shall become due and payable to the State of California. The governing board of the district and the county treasurer shall, at the time of the next county settlement following receipt of such notice from the board, pay such amount to the State Treasurer, out of the funds, and in the manner specified in Section 7745 of this code. Such payment shall, on order of the

State Controller, be deposited in the State School Building Aid Fund in the State Treasury.

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.

This section does not authorize the board to increase any apportionment made to a school district.

SEC. 2. Section 7712.1 is added to said code, to read:

Funds allocated to a project

7712.1. Funds apportioned to a school district under Section 7713.5 of this chapter for a project, together with all available funds of the district applied to such project, shall be expended only for the purposes of this project.

The governing board of the district shall notify the board upon completion of the project and acceptance by the governing board. The State Controller, pursuant to Section 7745, shall determine the amount of money expended for the project. If the maximum amount that could have been allowed pursuant to Section 7713.5 for the project is greater than the amount expended for the project, the difference shall become due and payable to the State of California. The governing board of the district and the county treasurer shall pay such amount to the State Treasurer out of the funds and in the manner specified in Section 7745 of this code. Such payment shall on order of the State Controller be deposited in the State School Building Aid Fund in the State Treasury.

It shall be the duty of such governing body and the 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 collections on behalf of the State.

SEC. 3. Section 7713.5 is added to said code, to read:

Application for apportionment

7713.5. Any school district which desires an apportionment for (a) the purchase of equipment, (b) the planning and construction of school buildings, or (c) the planning and construction of additions to school buildings for grade levels 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, and may request that its application be considered under this section. If the board and the Department of Education approve the request, the application shall be considered under this section.

Construction projects

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, except that a single application, under this section, may contain a request for an apportionment for construction, site development, and equipment when all apply to a single project. 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.

Each copy of the application shall be accompanied by a preliminary floor plan in sufficient detail as to clearly indicate the dimensions of each room and number of square feet contained therein. All measurements shall be taken from the outside of exterior walls to the center line of interior walls. Such plans shall be prepared by an architect or a structural engineer and shall be certified as a true and correct copy of the proposed construction project plan. A school district shall prepare its application and plans after consultation with the Department of Education, and may at any time amend or supplement its application.

Before the board approves an application for a construction project, it shall, after a 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. All such standards shall be reviewed by the board quarterly and adjustments made in accordance with current cost standards. Such standards shall consist of square-foot costs for each type of construction which represents a differential in cost.

Equipment projects

Before the board approves an application for an equipment project or an application for a construction project including equipment, it shall, after a consultation with the Department of Education, establish current equipment cost standards. Such standards shall not exceed typical comparable equipment purchased by school districts not receiving or eligible for an apportionment under this chapter. Such standards shall consist of equipment cost for each type of classroom or pupil station which represents a differential in cost. The standards shall be reviewed by the board quarterly and adjustments made in accordance with current cost standards. In applying such standards the board may make such deviations as in their judgment are justified.

Site development projects, etc

Before the board approves an application for a site development project, or a construction project, including site development, it shall, after consultation with the Department of Education, determine development for each type of work required and for each different type of teaching station which represents a differential of cost.

Immediately upon receipt of an application in the prescribed form accompanied by the required floor plan, a copy thereof shall be transmitted by the board to the director and to the

Director of Finance. The director shall as promptly as possible review the application and the accompanying plan. If he finds the plan unacceptable, the district shall be notified and be required to make such changes as are found necessary. If he finds the plans sufficient and satisfactory, he shall certify his approval to such plans and to the application and refer it, together with his report and recommendation, to the Director of Finance who shall review the documents. If the Director of Finance finds the 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. If the Director of Finance finds the said documents to be in proper form and otherwise sufficient he shall refer them to the board. The board shall, subject to the provisions of this chapter, approve, in whole or in part, or reject such application referred to it by the Director of Finance.

Maximum amounts Construction

As to any construction application approved by the board, in whole or in part, under this section, the maximum amount that may be apportioned shall be the sum of the products of the number of square feet in the construction project of each type or class of construction as may be determined by the board, and that has been approved by the board, and the cost per square foot for each established by the board in its standards adopted pursuant to this section. The total number of square feet in the application and plan shall not, with the area of other adequate school construction in the applicant district, exceed the areas prescribed in Section 7717 of this chapter.

Equipment

As to any equipment application approved by the board, in whole or in part, under this section the maximum amount that may be apportioned shall be the sum of the products of the number of each type of classroom or pupil station and the cost for each established by the board in its standards adopted pursuant to this section.

Site development

As to any site development application approved by the board, in whole or in part, under this section, the maximum amount that may be apportioned shall be the amount approved by the board.

District's financial ability

The Director of Finance shall investigate the school district's financial ability to meet all or a portion of the amount determined to be the maximum amount that may be apportioned, shall estimate the amount which the school district can contribute, and shall submit his report thereon to the board.

District's contribution

The board shall determine the amount the school district shall contribute but this amount shall not be less than the amount the district is required to contribute under Section 7719 of this chapter from the sale of bonds; provided, that the board may not, without consent of the district, increase the amount of any district contribution under the terms of the 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 amount that the district shall contribute, as determined by the board, shall be subtracted from the maximum amount that may be apportioned and the remaining amount shall be apportioned to the district from the State School Building Aid Fund; provided, that the board may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as the board may prescribe by regulations.

When conditional apportionment becomes final

This apportionment 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 the apportionment 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.

No application shall be approved pursuant to this section after the ninety-first day after final adjournment of the 1959 Regular Session.

SEC. 4. Section 7713 6 is added to said code, to read:

Contracts for construction of project

7713 6. Whenever an apportionment of the board under Section 7713.5 becomes final, the governing board of a school district may award a contract for the construction of the project. The contract awarded shall call for at least the number of square feet of construction that was shown in the plan upon which the apportionment was computed. The contract may call for the construction of building area in addition to the square feet in the plan upon which the apportionment was based; provided, that the final plans and specifications for construction had been approved by the Department of Education and the Division of Architecture.

The application, plans, specifications, bids and contract shall be prepared and submitted in such manner that the Department of Education and the State Allocation Board may be able to determine what portion or portions of the apportionment are to be expended for the approved items within the application and that expenditures are made in accordance with the approved application.

SEC. 5. Section 7745 of said code is amended to read:

Unauthorized expenditures

7745. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by Section 7713 of this chapter to be paid therefrom, or that the school district has constructed less area than was represented in the plan for which an apportionment was made under

Section 7713.5 of this chapter, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, or the amount of the apportionment made under Section 7713.5 to construct the area not constructed by the district, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

It shall be the duty of such governing body and the 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 2140

An act to add Section 20140 to the Government Code, relating to reports by the Board of Administration of the State Employees' Retirement System.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 20140 is added to the Government Code, to read as follows:

20140. In addition to any other reports that it may be required to make by law, the board shall annually file a separate report with the Governor and each house of the Legislature on all matters under the jurisdiction of the board, including benefits, programs, practices, procedures, trends and developments in the field of retirement. Such report shall be filed with the Governor at least 30 days prior to the opening day of the Legislature each year and shall be filed with each house of the Legislature within five days after the opening day of the Legislature in each year.

CHAPTER 2141

An act to amend Section 20804.5 of the Government Code, relating to the State Employees' Retirement System in respect to credit for state service prior to membership therein.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 20804.5 of the Government Code is amended to read:

20804.5. Any member shall receive current service credit: (a) for the time which was spent by him in the employment of the State or contracting agency prior to becoming a member of this system and after persons employed in his status were eligible for membership in this system and (b) for the part-time service which was spent by him in the employment of the State or contracting agency prior to becoming a member, and while excluded from membership because serving on a part-time basis, if, at any time prior to retirement, he elects to pay, and pays, into the retirement fund, by lump sum payment or by installments over a period not to exceed 60 months subject to minimum payments fixed by the board, normal contributions for such time prior to becoming a member computed by applying the rate of contribution applicable to him at the time he first became a member of this system to the compensation earnable by him at that time, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from October 1, 1953, or from the date on which he first became a member of this system, whichever is later, until paid.

This section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or by express provision in its contract with the board.

SEC. 2. This act shall become operative on the first of the month next succeeding the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature.

Operative date

CHAPTER 2142

An act to repeal Section 20896 of, and to add Section 20896 to, the Government Code, relating to employer contributions to the State Employees' Retirement System during periods of absence of a member due to compensable disability.

In effect September 11 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 20896 of the Government Code is repealed.

SEC. 2. Section 20896 is added to said code, to read:

20896. Any member who is or has been absent from state service because of injury or illness which arose out of and in the course of his employment and for which he received temporary disability benefits under the Labor Code during the period of his absence, and who did not receive full compensation as distinguished from such disability benefits for the period of absence may elect, at any time prior to retirement, to contribute pursuant to this section and receive credit for such period. Any member so electing shall pay into the Retirement Fund subject to board rules by lump sum at the time of election or by installment payments beginning immediately following such election and extending over a period not in excess of the period he was so absent, the amount necessary to make the accumulated contributions standing to his credit in his individual account the amount it would be if he had not been so absent. Any member who so elects and pays such sum into the Retirement Fund is entitled to current service credit for the period he was so absent and in respect to which contributions are made pursuant to this section, with the same status, rights, and effect as if the member had not been so absent from state service and the employer shall make the contributions required of employers by law for such service.

CHAPTER 2143

An act to amend Section 20334 of the Government Code, relating to membership in the State Employees' Retirement System.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 20334 of the Government Code is amended to read:

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;

(c) He is a member at the time he commences to serve on a part-time basis;

(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; or

(e) He holds or is on retirement in this system after having held a state office having a term in excess of four years and a salary not less than three hundred dollars ($300) a month and elects to become a member of this system under Section 20360 or Section 20361.

CHAPTER 2144

An act to amend Section 19258 of the Government Code, relating to damaged articles of state employees.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 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 without fault of the employee. 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 2145

An act to amend Section 157 of the Civil Code and Section 949a of the Code of Civil Procedure, relating to the exclusion of a spouse from the family dwelling or the dwelling house of the other spouse.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 157 of the Civil Code is amended to read:

Exclusion of spouse

157. Neither husband nor wife has any interest in the property of the other, but neither can be excluded from the other's dwelling except that in actions or proceedings for divorce, annulment of marriage or separate maintenance, the court may make orders for temporary exclusion of either party from the family dwelling or from the dwelling of the other, until the final determination of the action.

SEC. 2. Section 949a of the Code of Civil Procedure is amended to read:

Court orders re children

949a. An appeal does not stay proceedings as to those provisions of an order or judgment which award, change or otherwise affect the custody, including the right of visitation, of a minor child in any civil action, action filed under the Juvenile Court Law, or special proceeding nor the provisions of an order or judgment for the temporary exclusion of a party from a family dwelling or the dwelling of the other, as provided in Section 157 of the Civil Code; provided, the trial court may, in its discretion, stay execution of such provisions pending review on appeal or for such other period or periods as to it may appear appropriate; provided further, that in the absence of a writ or order of an appellate court providing otherwise, the provisions of such an order or judgment allowing, or eliminating restrictions against, removal of the minor child from the State are stayed by operation of law for a period of 30 days from entry of the order or judgment and are subject to any further stays ordered by the trial court, as herein provided. The appellate court shall have the power to issue a writ of supersedeas, injunction, or other appropriate writ or order in such proceedings as may be proper in aid of its jurisdiction.

CHAPTER 2146

An act to add Chapter 4 (commencing at Section 1900) to Division 4 of the Elections Code, relating to initiatives and measures submitted to the voters of districts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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 4 of the Elections Code, to read:

CHAPTER 4. DISTRICT ELECTIONS

Article 1. Initiative

Exclusions

1900. In addition to any other method provided by law ordinances may be enacted by any district pursuant to this article, except that the provisions of this article shall not apply to irrigation districts, to a district formed under a law which does not provide a procedure for elections, to a district formed under a law which does not provide for action by ordinance, to a district governed by an election procedure which permits voters, in electing the district's directors or trustees, to cast more than one vote per voter, or to a district in which the directors are empowered to cast more than one vote per director when acting on any matter.

Initiative petitions

1901. Any proposed ordinance may be submitted to the governing board of the district by an initiative petition filed with the clerk of the district board signed by not less than the number of voters specified in this article. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving street and number. If no street and number exist, then a designation of the place of residence shall be given which will enable the location to be readily ascertained.

Each separate paper shall have attached an affidavit made by a voter of the district. The affidavit shall state that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the district.

Examination of signatures

1902. Within 10 days from the date of filing the petition, the clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the clerk's certificate shows the petition to be insufficient, a supplemental petition in form a duplicate of the original petition, bearing additional

signatures, may be filed within 10 days of the date of the certificate of insufficiency. The clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that all the signatures to the petition, are still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record; and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect. If the petition together with supplementary petitions, if any, is found to be sufficient, the clerk shall submit it to the governing board of the district at the next regular meeting.

Submission at general election

1903. If the initiative petition is signed by voters not less in number than 10 percent of the registered voters in the district, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the board, then the ordinance, without alteration, shall be submitted by the board to the voters at the next general election.

Notice

1904. The board shall give notice of an election held pursuant to this article, by publication in the same manner as prescribed for the publication of the list, or portions of the list, designating polling places, as in the case of a general county election.

Printing and mailing

1905. Whenever any ordinance is required by this article to be submitted to the voters of a district at any election, the clerk shall cause the ordinance to be printed. He shall mail a printed copy thereof, enclosed in an envelope with a sample ballot, to each voter, at least 10 days prior to the election.

Ballot form

1906. The ballots used when voting upon the proposed ordinances shall have printed thereon the words "Shall the ordinance (stating the nature thereof) be adopted?" Opposite the statement of the ordinance to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance. If he stamps a cross (+) in the voting square after the printed word "No," his vote shall be counted against its adoption.

Arguments

1907. The persons filing an initiative petition pursuant to this article may file therewith a written argument in favor of the ordinance; the board may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the sample ballot used for the election.

Ordinances Number proposed

1908. Any number of proposed ordinances may be voted upon at the same election.

Adoption

1909. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the district. The ordinance shall be considered as adopted upon the date the vote is declared by the board, and shall go into effect 10 days thereafter.

1910. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control. Conflict

1911. The enacting clause of an ordinance submitted to the voters of a district shall be substantially in the following form: Enacting clause

"The people of the _____ District do ordain as follows:".

1912. No ordinance proposed by initiative petition and thereafter adopted either by the board without submission to the voters or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance itself. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board. Repeal

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CHAPTER 2147

An act to amend Sections 835, 836, 841, 842, 847, 849, 850 and 851 of, and to add Sections 833, 834a and 835a to, the Penal Code, relating to the law of arrest.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 835 of the Penal Code is amended to read:

835. An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his arrest and detention. Restraint

SEC. 2. Section 836 of said code is amended to read:

836. A peace officer may make an arrest in obedience to a warrant, or may, without a warrant, arrest a person: Peace officer

1. Whenever he has reasonable cause to believe that the person to be arrested has committed a public offense in his presence.

2. When a person arrested has committed a felony, although not in his presence.

3. Whenever he has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.

SEC. 3. Section 841 of the Penal Code is amended to read:

841. The person making the arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest, and the authority to make it, except when the person making the arrest has reasonable cause to believe that the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or the person to be arrested is pursued immediately after its commission, or after an escape. Notice

SEC. 4. Section 842 of said code is amended to read:

Warrant

842. An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession at the time of the arrest, but if the person arrested so requests it, the warrant shall be shown to him as soon as practicable.

SEC. 5. Section 847 of the Penal Code is amended to read:

Arrest by private person

847. A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate, or deliver him to a peace officer. There shall be no civil liability on the part of and no cause of action shall arise against any peace officer, acting within the scope of his authority, for false arrest or false imprisonment arising out of any arrest when:

Liability of peace officer

(a) Such arrest was lawful or when such peace officer, at the time of such arrest had reasonable cause to believe such arrest was lawful; or

(b) When such arrest was made pursuant to a charge made, upon reasonable cause, of the commission of a felony by the person to be arrested; or

(c) When such arrest was made pursuant to the requirements of Penal Code Sections 142, 838 or 839.

SEC. 6. Section 849 of the Penal Code is amended to read:

Arrest without warrant

849. (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, must, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person, must be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

(1) He is satisfied that there is no ground for making a criminal complaint against the person arrested. Any record of such arrest shall include a record of the release hereunder and thereafter shall not be deemed an arrest but a detention only.

(2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.

(3) The person arrested was arrested for a misdemeanor, and has signed an agreement to appear in court or before a magistrate at a place and time designated, as provided in this code.

SEC. 7. Section 850 of the Penal Code is amended to read:

Telegraphic warrants

850. A telegraphic copy of a warrant may be sent by telegraph or teletype to one or more peace officers, and such copy is as effectual in the hands of any officer, and he must proceed in the same manner under it as though he held the original warrant issued by a magistrate.

SEC. 8. Section 851 of the Penal Code is amended to read:

851. Every officer causing telegraphic copies of warrants to be sent, must certify as correct, and file in the telegraph office from which such copies are sent, a copy of the warrant, and must return the original with a statement of his action thereunder.

SEC. 9. Section 833 is added to the Penal Code, to read:

833. A peace officer may search for dangerous weapons any person whom he has legal cause to arrest, whenever he has reasonable cause to believe that the person possesses a dangerous weapon. If the officer finds a dangerous weapon, he may take and keep it until the completion of the questioning, when he shall either return it or arrest the person. The arrest may be for the illegal possession of the weapon. Dangerous weapons

SEC. 10. Section 834a is added to the Penal Code, to read:

834a. If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest. Resistance

SEC. 11. Section 835a is added to the Penal Code, to read:

835a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Force

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance. Self defense

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CHAPTER 2148

An act to amend Section 69140 of the Government Code, relating to compensation of officers and employees of the appellate courts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 69140 of the Government Code is amended to read:

69140. Each district court of appeal may appoint and employ a clerk at a monthly salary within the following range: five hundred eighty-five dollars ($585), six hundred eighty-five dollars ($685), seven hundred eighty-five dollars ($785), eight hundred eighty-five dollars ($885), and nine hundred eighty-five dollars ($985).

CHAPTER 2149

An act to amend Section 75029 of the Government Code, relating to the retirement of judges.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 75029 of the Government Code is amended to read:

75029. For any judge who, prior to becoming a judge, served as a "judge of an excluded court" as defined below, there shall be included in the computation of the number of years of service as a judge the number of years he served as a "judge of an excluded court" if prior to the effective date of his retirement he has paid into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary and paid into that fund had he been a judge, during the time he was a "judge of an excluded court," computed by applying to the rate of salary which he actually received during his first year of service as a judge the rate of deduction applicable to judges' salaries during such year.

As used in this section "judge of an excluded court" means a judge of a justice court or a judge, justice of the peace, or recorder of a court provided for by law prior to January 1, 1952.

A judge shall not, under this section, receive credit for that portion, if any, of his service as a judge of an excluded court, if other provisions of this chapter provide for the inclusion of such service in the computation of his years of service as a judge.

CHAPTER 2150

An act to amend Section 69586 of the Government Code, relating to judges of the superior court.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 69586 of the Government Code is amended to read:

69586. In the County of Los Angeles there shall be 90 judges of the superior court, any one or more of whom may hold court.

SEC. 2. Within 90 days after this act goes into effect, the Governor shall appoint 10 additional judges of the Superior Court in and for the County of Los Angeles, in addition to the 80 superior court judges already provided by law in and for the said County of Los Angeles, who shall hold office until

the first Monday after the first day of January, 1959. At the next general election to be held in November, 1958, 10 additional judges of the superior court shall be elected in the County of Los Angeles who shall be successors of the judges appointed hereunder, to hold office for the term prescribed by the Constitution and by law. The salaries of the additional judges herein provided for shall be the same in amount and be paid in the same manner and at the same time as the salaries of the judges of the Superior Court in and for the County of Los Angeles are now authorized by law.

CHAPTER 2151

An act to add Sections 22110.5 and 22139 to the Education Code, relating to county librarians.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 22110.5 is added to the Education Code, to read:

22110.5. The board of supervisors of any county may contract with the board of supervisors of any other county or two or more other counties to provide for the services of a single qualified librarian to serve simultaneously as the county librarian of each county. County librarian

When so appointed the county librarian shall be required to establish a residence in but one of the counties in which he is appointed.

SEC. 2. Section 22139 is added to said code, to read:

22139. Except when the county librarian is temporarily absent, no person shall serve in the position of county librarian under the title of acting county librarian, or assistant librarian in charge, or any other such title, unless the person has received from the Board of Library Examiners a certificate of qualification for the position of county librarian. Qualifications

In the event qualified candidates for the position of the county librarian cannot be found, the county supervisors shall secure a written permission from the Board of Library Examiners to appoint an unqualified person to the position. This written permission may be granted by the library examiners for a period of time up to but not exceeding one year. The examiners may from time to time in their discretion renew the permit.

The provisions of this section shall not apply to the present appointment or reappointment of any person serving on the effective date of this act in any position which is in lieu of the position of county librarian.

CHAPTER 2152

An act to amend Sections 25658 and 25665 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 25658 of the Business and Professions Code is amended to read:

Minors Consumption, etc., of alcoholic beverage

25658. (a) Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100).

(c) Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

SEC. 2. Section 25665 of said code is amended to read:

Loitering

25665. Any licensee under an on-sale license issued for public premises, as defined in Section 23039, who permits a person under the age of 21 years to enter and remain in the licensed premises without lawful business therein is guilty of a misdemeanor. Any person under the age of 21 years who enters and remains in the licensed public premises without lawful business therein is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100).

CHAPTER 2153

An act to add Section 69612 to the Government Code, relating to the judges of the Superior Court in and for the County of Yolo.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 69612 is added to the Government Code, to read:

69612. In the County of Yolo there shall be two judges of the superior court.

CHAPTER 2154

An act to add Section 21661 to the Water Code, relating to irrigation districts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 21661 is added to the Water Code, to read:

21661. Nothing in this article or in any general election law shall prohibit a person seeking nomination as a candidate for a district office from circulating a petition as provided for in Section 21658.

CHAPTER 2155

An act to amend Section 28007 of the Health and Safety Code, relating to animal food.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28007 of the Health and Safety Code is amended to read:

28007. Uninspected horse meat shall be kept and stored in a separate unit provided for that purpose. A sign which reads "horse meat not inspected, for animal consumption only" with letters two inches high and approximately one inch wide shall be conspicuously displayed so that it can readily be seen by those in the room where such horse meat is sold. Horse meat

(a) All uninspected horse meat shall bear a tag or label with the words "horse meat not inspected, for animal consumption only," printed thereon in red letters not less than one-half inch in height. All inspected horse meat shall bear a tag or label with the words "inspected horse meat," "U. S. Government inspected horse meat," "State inspected horse meat," or "municipally inspected horse meat," depending upon the type of inspection made of the product with letters printed thereon not less than one-half inch in height; provided, that the letters may be less than one-half inch in height where the horse meat is processed, packaged, and sealed at the point of inspection and bears the label required by the inspection agency. Tags or labels

(b) All uninspected horse meat when kept for sale, offered for sale, or sold shall be denatured or decharacterized so as to be readily distinguishable from an article of human food by the addition thereto of not less than one-twentieth of 1 percent of charcoal or in any other manner satisfactory to the State Department of Public Health.

Sealed containers Labels

(c) All canned dog and/or pet food manufactured from horse meat and/or horse meat by-products, and/or meat, and/or meat food products, and packed in hermetically sealed containers may be labeled "Stew" in letters of no more than one-half inch in height. Phrases or statements inferring or implying that the product could be used for human consumption are prohibited. Each container in which dog and/or pet food manufactured from horse meat and/or horse meat by-products and/or meat and/or meat food products is packed shall have affixed thereto a label bearing the following information in addition to all other information required by law to appear thereon:

(1) The name of the food such as "dog food," "cat food," "dog and cat food," "fox food," "pet food," or "animal food" on the main panel in letters which are clearly legible.

(2) The word "ingredients" followed by a complete list of the ingredients of the food in the order of their predominance and by their common or usual names in letters not more than one-quarter inch in height, and clearly legible.

Additional label information

(d) Each container in which the ingredients of animal origin such as horse meat, horse meat by-products, meat, meat by-products, and/or whale, or any combination thereof are 50 percent or more shall have on the label the following information in addition to all other information required by law to appear thereon:

The name of the food, such as "dog food," "cat food," "dog and cat food," "fox food," "pet food," or "animal food," on the main panel in letters not less than one-half inch in height for a number 300 can (300 x 407).

There shall appear on the main panel of the label the name of no more than three ingredients of animal origin in the order of their predominance and in letter size in proportion to the amount of such ingredients contained in the food. The maximum letter size permissible for such ingredients shall be one-half inch in height and the minimum letter size permissible for ingredients of animal origin shall be one-quarter inch in height. The background color of the label and the letter style shall not be changed in listing ingredients of animal origin. The word "and" or "with" shall appear on the main panel of the label directly beneath the name of the ingredients of animal origin and the remaining ingredients shall appear directly beneath the word "and" or "with" in the order of their predominance and in clearly legible letter size. The term "water for processing" may appear as the last ingredient. If the remaining 50 percent or less of the ingredients consist of a free flowing liquid the term "liquid," "juice," "sauce," "gravy," or any other term which correctly identifies such liquid shall appear in one-fourth inch letters on the main panel of the label. However, the list of ingredients other than those of animal origin, when such term is used, need not appear on the main panel of the label but must appear elsewhere on the label.

(e) For products packed in accordance with subdivision (d) and in containers other than a number 300 can (300 x 407) the letter size referred to shall be the same relative proportion as heretofore required to the height of the container used.

(f) Labeling for all products referred to in this section shall be approved by the State Department of Public Health prior to use.

CHAPTER 2156

An act to amend Section 586 of the Vehicle Code, relating to parking.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 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:

Stopping, etc

(1) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

Prohibited places

(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 or a taxicab may stop to load or unload passengers when so authorized by local authorities pursuant to ordinance.

(6) On a sidewalk.

(7) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(8) On the roadway side of any vehicle stopped, parked or standing at the curb or edge of a highway.

(9) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb when such sign or red paint was erected or placed by local authorities pursuant to ordinance.

(10) In a tube or tunnel or upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when so authorized by local authorities pursuant to ordinance.

(b) No ordinance enacted by local authorities pursuant to paragraphs (5) and (10) of subdivision (a) of this section shall become effective as to any state highway without prior submission to and approval by the Department of Public Works in the same manner as required by Section 459 for ordinances enacted under subdivisions (d) through (i) thereof. Nothing contained in this section shall be construed as authorizing local authorities to enact legislation which is contrary to the provisions of Section 592.1 of this chapter.

CHAPTER 2157

An act to amend Section 11556 of the Health and Safety Code, relating to narcotics.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 11556 of the Health and Safety Code is amended to read:

11556. It is unlawful to visit or to be in any room or place where any narcotics are being unlawfully smoked or used with knowledge that such activity is occurring.

CHAPTER 2158

An act to amend Sections 12002, 12004, 12200, 12200.1, and 12223 of the Financial Code, relating to check sellers and cashers.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 12002 of the Financial Code is amended to read:

Check seller or casher

12002. A check seller or casher is a person: (a) who, for compensation, engages, in whole or in part, in the business of selling or cashing checks, drafts, money orders, or other commercial paper serving the same purpose, or receiving money as agent of an obligor for the purpose of paying to a person other than the check seller or casher bills, invoices, or accounts of such obligor, or (b) who, without direct compensa-

tion and not as an authorized agent for a utility company, accepts money for the purpose of forwarding it to others in payment of utility bills.

SEC. 2. Section 12004 of said code is amended to read:

"Licensee" 12004. "Licensee" means any individual, partnership, unincorporated association, or corporation licensed by the commissioner to engage in the business of cashing checks, drafts or money orders, and any corporation licensed by the commissioner to engage in the business of selling checks, drafts or money orders, or of receiving money as agent of an obligor for the purpose of paying bills, invoices or accounts of such obligor or to accept money in payment of utility bills except as an authorized agent for a utility company pursuant to the provisions of this division.

SEC. 3. Section 12200 of said code is amended to read:

License requirement 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, nor shall any person, without direct compensation and not as an authorized agent for a utility company, accept money for the purpose of forwarding it to others in payment of utility bills, without first obtaining a license from the commissioner.

SEC. 4. Section 12200.1 of said code is amended to read:

Issuance of license 12200.1. A license to engage in the business of selling checks, drafts, or money orders, or of receiving money as agent of an obligor for the purpose of paying bills, invoices, or accounts of such obligor, or to accept, without direct compensation, money for the purpose of forwarding it to others in payment of utility bills, shall only be issued to a corporation organized under the laws of this State for that purpose.

SEC. 5. Section 12223 of said code is amended to read:

Fidelity bonds 12223. The commissioner may require a licensee engaging in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts of an obligor, or one who accepts money for the purpose of forwarding it to others in payment of utility bills except as an authorized agent for a utility company, in addition to the bond provided in Section 12206, to obtain an adequate fidelity bond for each officer, employee, or agent having access to funds collected by or for the licensee or having authority to draw against such funds if in his opinion such a bond is necessary for the protection of the public.

CHAPTER 2159

An act to amend Section 18152 of the Education Code, relating to school buildings.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 18152 of the Education Code is amended to read:

18152. When the school enrollment of any school causes overcrowded schoolrooms, the governing board of the school district may make arrangements for the location of the school in temporary quarters or in portable buildings.

These quarters or portable buildings may be procured for a consideration, or at a rental, or by the construction of temporary or portable buildings on school property. The leasing of any portable buildings for placement on the school property shall not be made for a longer period than seven years and may include a provision for the purchase of such buildings on a depreciated basis at the end of such seven-year period or prior thereto.

Any building leased for placement on the school property for a total time in excess of three years or under a purchase agreement shall be deemed the construction or alteration of a school building as those terms are defined in Article 3 of this chapter and all the provisions of that article and Section 18172 shall apply thereto.

CHAPTER 2160

An act to repeal Section 25643 of, and to add Section 25643 to the Government Code, relating to counties in respect to structural fire protection.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 25643 of the Government Code is repealed.

SEC. 2. Section 25643 is added to said code, to read:

25643. The board of supervisors in any county which provides county funds for structural fire protection of areas in the county in incorporated or unincorporated territory shall at the time of levying county taxes for support of said function, except from the levy of any tax for said purpose all property within the limits of any incorporated city or any fire protection district in said county, which, prior to the time of making such levy, shall petition the board of supervisors in writing

for the exclusion of such property from the levy of taxes for such purpose, such petition to be supported by a resolution to be adopted by the governing body of such incorporated city or fire protection district finding that such incorporated city or fire protection district has an organized fire department in operation and existence which is at such time providing adequate structural fire protection to all property within such incorporated city or fire protection district, and that no additional benefit in fire protection is received or required by such property from structural fire protection given by the county.

CHAPTER 2161

An act to amend Section 1428b of the Penal Code, relating to dockets of criminal actions and proceedings.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1428b of the Penal Code is amended to read:

1428b. All papers and records filed or kept in criminal proceedings in municipal courts other than the docket and minutes, may, upon the order of the presiding judge of any such court, be destroyed after the lapse of five years following the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

For the purposes of this section, "docket" shall be deemed to exclude traffic bail dockets maintained solely for the entry of bail deposits and forfeitures, including sums deposited as penalty assessments under the provisions of Section 773, Vehicle Code, in cases involving the violation of traffic laws or ordinances for which no personal appearance of defendants was required.

CHAPTER 2162

An act to add Sections 7500.6 and 7500.7 to the Welfare and Institutions Code, relating to the Department of Mental Hygiene.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Sections 7500.6 and 7500.7 are added to the Welfare and Institutions Code, to read:

7500.6. Within the limits of available funds it is the intent of the Legislature that the department shall require all per-

sonnel working directly with patients to complete, within a reasonable time after the effective date of this section or after their appointments, whichever is later, or have completed, training with regard to the care and treatment of such patients.

7500.7. In order to assure an adequate number of qualified psychiatrists, physicians and surgeons, psychologists, nurses, social workers, laboratory and other technicians, and ancillary workers, the department shall negotiate with any or all of the following: the University of California, the state colleges, the junior colleges, private universities and colleges, and public and private hospitals, and arrange such affiliations or make such contracts for educational or training programs as may be necessary. Arrangements may be made in the hospitals and clinics operated by the department for the clinical experience essential to such educational and training programs, and positions in the department as interns and residents may be established.

CHAPTER 2163

An act to add Section 19102 to the Government Code, relating to state civil service.

In effect September 11, 1957

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

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

SECTION 1. Section 19102 is added to the Government Code, to read:

19102. Any person certified from an employment list and appointed for intermittent work on or before October 1, 1955, who has been employed as an intermittent employee continuously in the same class shall have permanent civil service status as a full-time employee in that class for all purposes of this part.

For purposes of this section, continuous employment is defined as 3,600 or more hours worked, exclusive of overtime, between October 1, 1955, and September 30, 1957. Absence without pay for more than 15 consecutive days shall constitute a break in continuity of employment for purposes of this section.

CHAPTER 2164

An act to amend Section 20 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 20 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is amended to read:

Sec. 20. The total amount of taxes and assessments levied on property within any zone shall not exceed one dollar and fifty cents ($1.50) on each one hundred dollars ($100) of the assessed values of property within the zone.

CHAPTER 2165

An act to repeal Articles 1 (commencing at Section 5400), 2 (commencing at Section 5431), 4 (commencing at Section 5630), and 5 (commencing at Section 5680) of Chapter 3 of, and to add Chapter 4 (commencing at Section 5780) to, Division 5 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Articles 1 (commencing at Section 5400), 2 (commencing at Section 5431), 4 (commencing at Section 5630), and 5 (commencing at Section 5680) of Chapter 3, Division 5 of the Public Resources Code are repealed. Repeals

Notwithstanding the repeal effectuated by this act the organization, existence, or powers of any district heretofore created by, or organized pursuant to any of the provisions of the articles which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said articles, after the effective date of this act. At any time before January 1, 1962, any district heretofore created or organized pursuant to said articles may elect to come under the provisions of Chapter 4 (commencing at Section 5780) and shall, by resolution of the governing body of a district with an elected board of directors, or by resolution of the supervising authority of a district with an appointed board of directors, certify to the Secretary of State Existing districts

that the district has elected to conform to the provisions of Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

By January 1, 1962, any district organized previous to the effective date of this chapter, which has not elected to come under the provisions of Chapter 4 (commencing at Section 5780) shall automatically be considered as organized and operating under Chapter 4.

SEC. 2. Chapter 4 (commencing with Section 5780) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 4. RECREATION AND PARK DISTRICTS

Article 1. General Provisions

Definitions

5780. "District," as used in this chapter, means a recreation and park district formed pursuant to this chapter or any statutory predecessor of this chapter.

5780.1. "Supervising authority," as used in this chapter, means the board of supervisors of the county in which lies the territory within the proposed district. If the territory is composed of one or more cities only, the city council of the largest city shall be the supervising authority.

5780.2. "Governing body," as used in this chapter, means the board of directors of a recreation and park district.

5780.3. "City," as used in this chapter, includes "city and county."

5780.4. "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.

5780.5. "Community recreation" and "public recreation" mean such recreation as may be engaged in under direct control of a recreation and park district.

5780.6. "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, meeting places, parks and parkways, and recreational reservoirs.

Formation, etc

5780.7. The manner of formation, the conduct of elections, the annexation and exclusion of territory and the consolidation and dissolution of districts, unless otherwise provided herein, shall be as prescribed in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code. All of the provisions of that chapter are incorporated in this chapter by reference and shall have the same force and effect as if fully set forth herein.

5780.8. The provisions of Section 58309 of the Government Code notwithstanding, in the event of conflict between the provisions of this chapter and those of Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code, the provisions of this chapter shall prevail.

Technical errors

5780.9. In the case of districts created or reorganized under this chapter or any statutory predecessor thereof, no assessment or act relating to the assessment or collection of taxes, nor any election held under this chapter, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this chapter, nor on account of any misnomer.

Period of limitation

5780.10. Any proceeding in which the validity of the organization or reorganization of a district is questioned shall be commenced within three months after the date of the first election of members of the district board or the date of such reorganization; otherwise such organization or reorganization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

Validation of existing districts

5780.11. All districts heretofore organized during the period from January, 1934, to July, 1956, under, or under color of, any statutory predecessor of this chapter are hereby declared to have been legally organized and to be legally functioning as such districts notwithstanding that national forest lands shall have been included within the boundaries of said districts at or after the time of organization. The boundaries of such districts 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.

Organization or reorganization

5780.12. When a district is organized or reorganized pursuant to the provisions of this chapter, the clerk of the board of supervisors shall, in addition to the filing required by Section 58133 of the Government Code, comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

Tax levies, etc

5780.13. On or before the first day of February of any year that an assessment or taxes are to be levied, and when the boundaries of any recreation and park district are changed for any reason whatsoever, the tax or assessment levying authority shall comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

Certificate

5780.14. When a district is organized or reorganized, and upon receipt of notice of such organization or reorganization, the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

Affidavit Existing district

5780.15. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter, shall submit to the Secretary of State an affidavit reciting the facts of such organization or reorgani-

zation, together with certified copies of any documentary proof of such organization or reorganization and a description of the boundaries of such district. Upon receipt of the affidavit the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

Failure to file

5780.16. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter which does not, prior to January 1, 1962, file the affidavit required by Section 5780.15 shall cease to exist and all its property shall revert to the city if the district is entirely within the boundaries of a city or, if not, to the county in which the district is located.

In such cases the city legislative body or board of supervisors is, ex officio, the governing body of the former district and may levy taxes and assessments and perform other acts necessary to terminate the district affairs.

Reports

5780.17. The State Director of Recreation shall, from time to time, study and investigate the law relating to the formation and organization of recreation and park districts and shall, following each such study and investigation, report to the Legislature the results of his investigation and study and also his conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

Construction

5780.18. This chapter shall be liberally construed to effectuate its purpose.

Article 2. Feasibility

Report on feasibility

5780.30. The board of supervisors of a county in which lies the territory being proposed for inclusion in a district, or the city council of each city being proposed for inclusion in a district, or both the board of supervisors and each respective city council, or the supervising authority may request the State Director of Recreation to submit a report to the requesting authorities on the feasibility of the proposal to establish a district in the territory. The report on feasibility of establishing a district, prepared by the Director of Recreation, may contain proposals for the boundaries of the district and estimates of annual tax revenue which will be necessary to finance needed facilities, programs, and services to be provided to the people of the district. The authorities requesting the feasibility report are not bound by the conclusions or recommendations contained in the report by the Director of Recreation who may also submit proposals for the provision of facilities, programs, and services by means other than the establishment of a district.

Article 3. Procedure to Form District

Authority

5781.1. A recreation and park district may be created pursuant to, and it may exercise the powers granted by, this chapter.

5781.2. Any incorporated or unincorporated territory or any combination thereof may be organized and incorporated into a recreation and park district, if the territory is not included in any other recreation and park district. Contiguous or noncontiguous portions of unincorporated territory within a county may be included in a district.

Methods of forming districts

5781.3. Alternative methods may be used to initiate proceedings for the formation of a recreation and park district:

(a) In the first method, a supervising authority or supervising authorities may determine by resolution that certain territory or territories are in need of the formation of a recreation and park district. The supervising authority or authorities shall proceed under the provisions of Article 4 (commencing with Section 58090) of Chapter 1 of Division 1 of Title 6 of the Government Code to hold a public hearing on the matter.

(b) Whenever it is desired to form a recreation and park district, an alternative method may be used. A petition requesting the creation and maintenance of a recreation and park district and describing exterior boundaries of the proposed district shall be signed by a number of registered voters equal in number to at least 25 percent of the number of votes cast in the territory comprising the district at the last succeeding general election at which a Governor was elected. The petition shall be presented to the supervising authority or authorities, and the supervising authority or authorities shall proceed under the provisions of Article 4 (commencing with Section 58090) of Chapter 1, of Division 1 of Title 6 of the Government Code to hold a public hearing on the matter.

Petition, selection of directors

5781.4. The petition shall specify one of the following methods of selecting the board of directors of the district:

(a) That the board of directors shall be composed of the supervising authority.

(b) That the board of directors shall have not less than five members appointed by the supervising authority or supervising authorities of the territory in the district and shall specify the terms of office of members to be appointed.

If unincorporated territory and territory of but one city is included in the district, three members of the board of directors shall be appointed by the board of supervisors of the county in which the district is formed, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event three members of the board of directors appointed by the mayor of the city and two members appointed by the board of supervisors of the county in which the district is formed shall constitute the district board of directors.

Whenever unincorporated territory and all or parts of two or more cities are included in the district one director shall be appointed by the board of supervisors.

If the district contains no unincorporated territory, the district board of directors shall consist of five directors with one director appointed by the mayor of each city wholly or partly

within the district. If only two cities or parts thereof are in the district, two district board members shall be appointed by the mayor of the smaller city and three members by the mayor of the larger city.

The members of the board of directors of the board first appointed shall serve for four-year terms and for two-year terms and shall determine by lot which three members shall serve for four-year terms and which of two members shall serve for two-year terms.

(c) That the board of directors shall be elected as provided in this chapter.

Formation procedure

5781.5. Sections 58060 and 58061 of the Government Code are not applicable to the procedure for the formation of districts under this article.

Election of directors

5781.6. At the election for the formation of the recreation and park district in which the district shall be governed by an elected board of directors, the three nominees receiving the largest vote shall be considered as having been elected for four-year terms, and the two nominees receiving the fourth and fifth largest number of votes shall be considered as having been elected for two-year terms. In all subsequent elections, members of the board of directors shall be elected for four-year terms.

Tie vote

5781.7. If pursuant to Section 5781.6 two or more nominees for the district board receive the same number of votes, the supervising authority shall cast the deciding vote to determine the election and tenure of office of the nominees concerned.

Succession

5781.8. The members shall hold office until their successors shall be elected or appointed and qualified.

General district election

5781.9. At the time of a general election in November of the year next succeeding the first election, or if the first district board is elected within less than six months before such general election, then at the time of the general election succeeding the first election and at each general election thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the first of January in the year following the election and shall hold office for a term of four years, or until their successors are elected or appointed and qualified. Members of the board of directors must be residents and registered voters within the territory comprising the district.

When election not required

5781.10 If on the sixteenth day prior to a general district election only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board, the district board of directors may determine that an election shall not be held.

Publication

5781.11. In such case, or if no election has been held, the publication provided for in Section 5783 shall, instead of

calling an election, state that no election is to be held but that the supervising authority shall appoint those nominated for the positions or shall, if no persons have been nominated, appoint any qualified persons to the positions.

Appointment of officers

5781.12. If pursuant to Section 5781.11 a general district election is not held, the supervising authority shall, at a meeting held prior to the day fixed for the election, appoint to the positions those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any persons thus appointed shall qualify, take office and serve as if elected at a general district election.

Vacancies

5781.13. Any vacancy in the office of a member elected to the district board shall be filled by appointment by the governing body for the unexpired term.

Meetings

5781.14. Within 30 days after their first election and after each general district election or unopposed election, or at the beginning of each new term for members of an appointed board, the district board shall meet and organize as a board, electing a chairman, a vice chairman, a secretary, and such other officials as may be necessary from their number, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

Quorum

5781.15. A majority of the board shall constitute a quorum for the transaction of business.

Action and vote

5781.16. The board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.

Compensation

5781.17. Each member of the district board may receive such sum as may be fixed by the board, not exceeding ten dollars ($10), for each meeting of the board attended by him, not exceeding four meetings in any calendar month.

Expenses

5781.18. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.

Recall

5781.19. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 11050), Division 13 of the Elections Code.

Article 4. Powers and Duties

Rules

5782. The district board shall establish rules for its proceedings.

Policy

5782.1. The board of directors is the legislative body of the district and shall determine all questions of policy.

Powers of board

5782.2. The board of directors may:

Recreation programs and facilities, etc

(a) Organize, promote, conduct, and advertise programs of community recreation;

(b) Establish systems of recreation and recreation centers, including parks and parkways; and

(c) Acquire, construct, improve, maintain and operate recreation centers within or without the territorial limits of the public authority.

Cooperation

5782.3. The board of directors may cooperate with any city, county, district, state, or any subdivision thereof, or federal agency to carry out the purposes of this article, 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 article.

The board of directors and the governing bodies of any city, county, or school district 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 5782.2. Nothing in this chapter shall be construed to prohibit any joint or cooperative action authorized by this section.

Succession

5782.4. The district board shall have perpetual succession.

General powers

5782.5. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority.

(d) To appoint and employ and pay persons who are necessary and adequately trained, to maintain and operate the property, improvements and facilities under its control and to operate programs of public recreation. The board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the State or other public agency or private organization.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts.

Other agencies

5782.6. The district board may contract with other governmental agencies.

Civil service

5782.7. The district board may, by ordinance, provide for a civil service system for employees of the district. All regularly paid employees of a district shall be subject to the rules and regulations of the civil service commission of the supervising authority; provided, however, in the event that the district has elected its own board of directors it may deter-

mine whether or not its employees shall be subject to civil service regulations of the supervising authority, and in the event that a majority of the employees of the district consent, the district board may by resolution at any time withdraw its employees from the civil service rules and regulations of the supervising authority. A district in which employees are under the civil service system of the supervising authority is entitled to receive personnel services from the supervising authority on a cost basis.

Bonded employees

5782.8. The district board may require any employee of the district to be bonded, the cost of such bonds to be borne by the district.

Private vehicles

5782.9. The district board may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitations.

Hospital plans

5782.10. The district board may enter into group hospital service contracts with hospitals and hospital districts for hospital service for the members of the district board and the employees relating to injuries suffered by such persons, either in the performance of duty or at other times; and for such purpose the recreation and park district is construed to be a district within the meaning and effect of Section 11512.2 of the Insurance Code and other laws related thereto.

Insurance

5782.11. In addition to compensation insurance required by law, the district board may insure its members and employees against accidental death and injury in the performance of their duties.

Professional, etc., meetings

5782.12. The district board may authorize the attendance of its members and employees at professional or vocational meetings and may authorize payment of reasonable expenses therefor, including transportation to and from such meetings.

Seal

5782.13. The district may adopt a seal.

Records

5782.14. The district board shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection.

Change in name

5782.15. The governing body may propose a change in the name of the district to the supervising authority, who may signify their approval of the change by resolution and the change in name shall be effective by the same resolution. No district may change its name to correspond with the name of an individual living at the time a change in name is proposed by the governing body.

Article 5. Provisions Relating to Elections

Elections Call, etc

5783. The district board shall call elections, or cause an election to be called, subsequent to the organization of the district, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

District not formed

5783.1. Where a district has not already been formed the election clerk of the supervising authority shall perform

such duties as may be required incident to the election, which duties would otherwise normally be performed by the district board or the secretary thereof.

Applicability of Elections Code

5783.2. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all district elections except:

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control.

(b) Inconsistent provisions of this chapter shall control over any provisions of the Elections Code.

(c) The elections clerk of the supervising authority shall perform all duties in connection with an election if requested by the governing body on a cost basis.

Candidates

5783.3 No person shall be a candidate for or be appointed to or hold office on the district board unless he is a qualified voter of the district or proposed district. In a district with an appointed board having less than 50 qualified voters residing in the district, two of the five members of the board may be landowners who may or may not reside in the district.

Ballots

5783.4. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities.

Expenses

5783.5. The expense of the election held relative to the formation of a district shall be paid by the county if the proposition fails to carry, but if the formation is approved such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

Article 6. Finance, Taxation and Bonds

Preliminary budget

5784. On or before the fifteenth day of May of each year, or a date prescribed by the supervising authority, the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which may be divided into the following main classes:

(1) Maintenance and operation;
(2) Capital outlay;
(3) Bonded or other indebtedness interest and redemption;
(4) Capital outlay reserve;
(5) Unappropriated reserve;
(6) General reserve;
(7) Salaries and wages.

Notice

5784.1. On or before the fifteenth day of May of each year, or on a date prescribed by the supervising authority, the district board shall publish a notice at least one time stating:

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

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

Right to be heard

5784.2. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

Budget hearing

5784.3. The hearing on the budget may be continued from time to time until concluded.

Final budget

5784.4. The district board shall report the final budget to the board of supervisors or to each board of supervisors concerned, after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

Tax

5784.5. The board of supervisors shall, at the time of levying the county taxes, levy a tax upon all the property taxable by the district lying within the county, meet the amount set forth in the final budget submitted by the district board. The tax shall not, however, exceed a rate of fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

Existing districts

5784.6. Notwithstanding the repeal of Articles 1, 2, 4, and 5 of Chapter 3, Division 5 of this code by the Legislature at the 1957 Regular Session, any district heretofore created by, or organized pursuant to, any of the provisions of the articles which are repealed, may retain the same tax rate which was established in such district before it elected to come under the provisions of Chapter 4 (commencing at Section 5780) or automatically came under the provisions of Chapter 4.

Tax ceiling

5784.7. At the election for the formation of the recreation and park district, the proposition may be placed on the ballot as to whether or not the district is to establish a tax ceiling and, if a tax ceiling is to be established, the amount of the tax ceiling may be placed on the ballot. In this event, the tax ceiling shall not, however, exceed a rate of fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

Collection

5784.8. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

Transfer, etc., of funds

5784.9. The district board may further provide by resolution for transfers or revisions of unencumbered funds within the general classes of the adopted budget, other than transfers from the capital outlay reserve.

Reserve

5784.10. The district board may establish a reserve for capital outlays. If such reserve is established, the board shall declare the purposes for which the reserve is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

Surplus, reserve

5784.11. At any time after the creation of a capital outlay reserve, the board may transfer to such reserve any unencumbered surplus reserve remaining to the credit of the district at the end of any fiscal year.

Use of capital outlay reserve

5784.12. Whenever a capital outlay reserve is established, it shall be used only for the purposes specified at the time the reserve was established except that if, at the beginning of every fiscal year, it is found that the reserve is no longer required for such purposes, the board may, by unanimous vote, discontinue the reserve or transfer so much thereof as is no longer required for such purposes to the district general fund.

Increase and decrease of maximum tax Election

5784.13. 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 voters of the district at an election which may be called by the governing body of the district of its own motion and shall be called within 90 days after the filing with the board of directors of a petition signed by not less than 10 percent of the qualified voters of the district, requesting that an election be called, unless the petitioners request that the election be consolidated with the annual election for members of the board of directors.

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 5784.5. The board of directors 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 qualified voters provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the board of directors, such period shall be stated on the ballot.

Call etc

5784.14. The board of directors of the district shall call, or cause to be called, hold, and conduct the election. Except as provided in this section, the election shall be called, held, and conducted by the board of directors of the district in as nearly the same manner as is practicable as are elections for boards of directors. Notices of the election shall be posted or publication completed at least 30 days before the election. In addition, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days

before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and stating the purposes of the election. Such statement shall contain only the following:

(a) The amount of the proposed decrease or increase in the maximum tax rate.

(b) A brief summary of the issues involved.

List of precincts, etc

5784.15. At least 60 days before the date of the election the board of directors of the 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.

Ballot

5784.16. 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 _____ 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.

Effective date of action

5784.17. 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 board of director 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 board of director members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

Treasurer

5784.18. The county treasurer shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

Payment of bills, etc

5784.19. All accounts, bills, and demands against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal demands presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

Loans from county

5784.20. A county may loan any of its available funds to a district.

Warrants

5784.21. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse

thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of 5 percent a year.

Acquisition on credit

5784.22. The district may acquire areas and facilities or any portion thereof by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all indebtedness shall be repaid within a period of time not exceeding five years of its incurrence. The authority stated in this section to borrow or to repay funds shall in no way restrict the authority of a district to issue bonds and to redeem bonds as prescribed in this chapter.

Bond issue

5784.23. If a structure or structures, or the acquisition of real or personal property, necessary for the district purposes reasonably requires an expenditure in excess of available funds of the district derived from ordinary taxation, the district board may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election, nor shall the district incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district.

Election

5784.24. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, such rate or maximum rate not to exceed 6 percent per annum, and the nature of the proposed structure or improvement or of the property to be acquired, and such resolution shall be published as a notice of the election, in accordance with the provisions of Sections 58006 and 58007 of the Government Code.

Voters

5784.25. At the election any qualified and registered elector residing within the district may vote. If at the election two-thirds of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the district board is thereupon authorized to issue the bonds

Issue

5784.26. Bonds issued pursuant to this chapter shall be issued as follows:

(a) A part, to be determined by the district board, which shall be not less than one-twentieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may at the discretion of the district board, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board, but shall not be less than one hundred dollars ($100) or more than one thousand dollars ($1,000) each.

(e) The bonds shall be signed by the presiding officer of the district board and by the county treasurer. Signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the county treasurer in like manner as the bonds.

Price, bids

5784.27. Such bonds shall be sold by or on behalf of the district board for not less than the face value thereof. Before selling the bonds, or any part thereof, the district 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.

Signatures

5784.28. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon, or if the term of office of such officer expires or he is removed from office or resigns or his office is otherwise vacated before the bonds and coupons have been signed, then the signature of his elected or appointed successor shall be placed on the bonds or coupons and shall be valid for all purposes connected with such bond or coupon.

Proceeds

5784.29. The proceeds of sale of all bonds so issued shall be deposited with the county treasurer and shall be withdrawn therefrom only upon the order of the district board or pursuant to its directions and only for carrying out of the purposes for which the bonds were issued.

Special tax

5784.30. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter and said special tax shall be in addition to all other taxes levied for district purposes. The tax shall be collected in the same manner and at the same time as other county taxes. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the purchase of any matured bond or interest coupon upon presentation thereof

Postponed payment

5784.31. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the special tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated in the bond service fund.

Tax rate

5784.32. The governing body shall, in fixing the rate of the tax for bonds issued under this chapter, allow not to exceed 15 percent for anticipated delinquencies.

If the governing body fails to do so, the county auditor shall fix the rate of the tax for bonds issued under this chapter.

Costs

5784.33. All costs incurred by the county in connection with the issuance of bonds pursuant to this chapter shall be reimbursed to it by the district issuing the bonds.

Article 7. Annexation or Withdrawal

Annexation, withdrawal, etc Petition

5785. Territory may be annexed to, or excluded from, a district organized under this chapter in the manner provided in Article 8 (commencing at Section 58230 of the Government Code) of the District Organization Law upon petition signed by the same number of qualified petitioners required for signature on the petition for organization of the district under this chapter.

Resolution Objections

5785.1. If the governing body determines to annex to or withdraw from the district any territory it shall so declare by resolution. The annexation or withdrawal shall be effective upon the date of the adoption of the resolution unless more than 1 percent of the total number of voters living within the territory to be annexed to the district have at or prior to the hearing filed written objections to the annexation, or more than 1 percent of the total number of voters residing in the territory proposed to be withdrawn have at or prior to the hearing filed written objections to the withdrawal. If written objection to the proposed annexation or withdrawal is made by the number of voters specified in this section, the resolution of annexation or withdrawal shall not be effective until it is approved by a majority vote of the voters of the entire district except that where territory is withdrawn as a result of incorporation as a city or annexation to a city, the proposed withdrawal shall not be effective until it is approved by a majority vote of the voters of the territory proposed to be withdrawn, or by a majority vote of the voters of the entire new proposed district in case of a proposed annexation of territory.

Election

5785.2. The election shall be so conducted and shall be held at such place and during such hours of the day as will in the judgment of the governing body best serve the needs and convenience of the majority of the voters of the existing or proposed district. The district shall pay the cost of the election.

District territory becomes city

5785.3. When any territory is withdrawn from a district and incorporated as a city, or annexed to a city, the district shall retain title to and possession of all property of the district both real and personal. The district may convey all or any part of such property to the city with or without the payment of consideration therefor as the governing body of the district determines.

5785.4. When a city annexes any portion of the incorporated area in the district and the district conveys real property or recreation centers to the city, the city shall maintain and operate the property or recreation centers for the purpose of public recreation.

Bond liability

5785.5. Territory withdrawn from a district shall continue to be liable for such portion of the bonded indebtedness or other indebtedness of the district incurred before the withdrawal as it would have been liable for had it not withdrawn.

Article 8. Consolidation

Consolidation

5786. The provisions of Sections 58260 and 58261 of the Government Code notwithstanding, two or more districts organized under this chapter may consolidate, and such consolidation shall be in conformity with the provisions of Article 9 (commencing with Section 58260), Chapter 1, Division 1, Title 6 of the Government Code, except as otherwise provided herein.

Type of governing body

5786.1. The resolutions of the governing bodies of the districts proposing to consolidate, or the petition of 10 percent of the electors relating thereto shall also state the type of governing body for the consolidated district.

Election

5786.2. Insofar as possible, the provisions of this chapter relating to an election on the formation of a district shall apply to an election on the proposition of consolidation called pursuant to this article, except that if on the thirtieth day prior to the day set for the election no petition signed by 25 percent of the electors of any one of the district protesting the consolidation has been received, an election on the proposition of consolidation shall not be held.

Hearing and subsequent action

5786.3. If no election is required, pursuant to the provisions of Section 5786.2, the supervising authority shall, after a hearing, proceed under the provisions of Sections 58267 and 58268 of the Government Code as though a majority of the voters in each district had voted in favor of the consolidation.

Consolidated board

5786.4. If pursuant to the provisions of Sections 5786.2 and 5786.3, the proposition of consolidation is effected, the supervising authority shall appoint the members of the consolidated board as follows:

(a) If only one person has been nominated for each position to be filled, the supervising authority shall appoint the person nominated.

(b) If the number of persons nominated for positions is less than the number of such positions to be filled, the supervising authority shall appoint the person or persons nominated and such other qualified person or persons as will provide a district board of the size specified in the consolidation resolutions.

(c) If no persons are nominated for the positions the supervising authority shall appoint such qualified persons as will

provide a district board of the size specified in the consolidation resolutions.

(d) If the number of persons nominated for the positions is greater than the number of such positions to be filled, the supervising authority shall appoint the required number from among those nominated.

Terms

5786.5. The supervising authority, in making appointments as provided in Section 5786.4, shall designate three appointees for four-year terms and two appointees for two-year terms.

Appointees

5786.6. Any person appointed pursuant to the provisions of Section 5786.4 shall qualify, take office and serve as if elected at a general district election.

Election

5786.7. If an election on the proposition of consolidation is required, there shall be held concurrent with such election, an election of members of the consolidated district board. Such district board shall be of the size specified in the resolutions proposing consolidation, and the members thereof shall be elected and their tenure of office determined as though the district was being newly formed.

Terms of office

5786.8. If the consolidation is effected, the term of office of the district boards of the heretofore separate districts shall terminate and the term of office of the district board of the consolidated district shall commence on the date of the filing required by Section 58268 of the Government Code.

Funds, property, indebtedness

5786.9. Upon the filing required by Section 58268 of the Government Code, and in addition to the provisions of Section 58269 of the Government Code, the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded or otherwise, of the consolidated districts.

Employees

5786.10. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and the seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

Article 9. Dissolution

Dissolution: Petition

5787. Any district may be dissolved by its governing body. Upon receiving a petition, signed by 25 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.

Election

5787.1. The election shall be called in the same manner in all particulars as an election called to form a district. If at the election the majority of the votes cast ratify the proposal to dissolve the district, its governing body shall enter

a finding to that effect upon its minutes and thereupon the district is dissolved. The district shall pay the cost of the election.

Funds and property

5787.2. Upon the dissolution of a district any funds or property of the district shall vest in the county within which the district is located, or if all of the district is within a city or cities shall vest in the largest city within which located, and the supervising authority shall be the ex officio governing body of the district in winding up the district's affairs. Any fund or property of the district in excess of its liabilities shall be used by the county or city, as the case may be, for recreation purposes.

Bonded indebtedness

5787.3. In the event a district is dissolved by proceedings under this article, by the inclusion of the whole of the district within a city, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 5784.30, to pay the principal of and interest on bonds of the district outstanding at the time of such dissolution and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such dissolution.

Resolution of dissolution

5787.4. If a district has filed no financial report with the State Controller for a period of five years, the State Controller shall so certify to the board of supervisors of the county in which the district is located, and the board of supervisors may, by resolution, declare the district dissolved

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CHAPTER 2166

An act to amend Sections 6827, 6829.1, 6830, 6834, 6871.4, and 6873.2 of the Public Resources Code, relating to oil, gas and mineral leases of state lands.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6827 of the Public Resources Code is amended to read:

Leases Bids

6827. Leases for the extraction and removal of oil and gas deposits may be made by the commission to the highest qualified bidder, or joint bidders, as provided in this chapter. Such a lease shall include all oil and gas deposits in the leased land and be for a term of 20 years and for so long thereafter as gas or oil is produced in paying quantities from the leased land, or lessee shall be diligently conducting producing, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land. Any lease heretofore issued under this chapter for a term of 20 years, or any

renewal or extension thereof, may at any time or times prior to its expiration be extended upon such terms and conditions and for such period of time as the commission deems for the best interests of the State or as the Legislature may provide; provided further, that upon the lessee's timely application therefor the commission may issue a new lease in exchange for any lease issued for a term of 20 years, or any renewal or extension thereof; such new lease shall be issued at the same royalty and upon the same terms and conditions as the lease for which it is exchanged, unless the commission and the lessee shall otherwise agree, except that the term of such exchange lease shall be for a term of five years and for so long thereafter as oil or gas is produced in paying quantities, or lessee shall be conducting producing, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land.

Royalties

When state lands, including tide and submerged lands, are offered for lease by the commission, the commission shall specify a sliding scale royalty on oil commencing at not less than $16\frac{2}{3}$ percent up to a maximum percentage specified in the invitation to bid to be paid on the average production of oil per well per day under such lease, and a royalty of not less than $16\frac{2}{3}$ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands. Such royalties shall be paid in kind or as a percentage of the current market price at the well of, and of any premium or bonus paid on, the production removed or sold from the leased land, subject to an allowance for oil treatment and dehydration of not to exceed five cents ($0.05) per barrel for royalty oil, and an annual rental payable in advance of not less than one dollar ($1) for each acre of the land subject to the lease at the rental date. Unless the commission decides to reject all bids pursuant to Section 6836, the lease of the parcel or tract which is the subject of the bid shall be awarded to the qualified bidder who undertakes to pay the highest cash bonus in addition to satisfying all other provisions of the lease, or, in the alternative, when specified in the invitation to bid, undertakes to pay the highest rate of royalty in addition to satisfying all other provisions of the lease.

Cessation of production

If, at any time or from time to time, before or after the expiration of the primary term of such lease, the leased lands cease to produce oil or gas, the lease shall, nevertheless, continue in full force and effect if within six months after the cessation of production, or such longer period of time as the commission may authorize, lessee shall commence and thereafter prosecute with reasonable diligence drilling, deepening, repairing, redrilling or other operations which shall result in the restoration of production of oil or gas from the leased lands.

SEC. 2. Section 6829.1 of said code is amended to read:

6829.1. Every oil and gas lease, including leases of tide and submerged lands, executed under this chapter, shall specify a period of not to exceed three (3) years, as specified by the commission in the invitation for bids, subject to extension by the commission as provided in this chapter, as the drilling term of the lease within which the lessee may commence operations for the drilling of a well for oil or gas, and, providing that, if lessee fails to commence such operations and to thereafter diligently prosecute them, the lease shall terminate. Terms. Period to commence operations

SEC. 3. Section 6830 of said code is amended to read:

6830. All oil and gas leases issued by the commission for lands under its jurisdiction as set forth in Chapters 3 and 4 of Part 1 and in Chapter 3 of Part 2 of Division 6 of this code shall contain a reservation to the commission of the right to determine the spacing of wells and the rate of drilling and rate of production of such wells so as to prevent the waste of oil and gas and promote the maximum economic recovery of oil and gas from, and the conservation of reservoir energy in, each zone or separate underground source of supply of oil or gas covered in whole or in part by leases issued under this chapter. Spacing

SEC. 4. Section 6834 of said code is amended to read:

6834. Whenever the commission determines that lands shall be leased for oil and gas as provided in this chapter and when the form of lease therefor has been prepared by the commission, the commission shall give notice of intention to lease such lands. The notice shall be published in a newspaper of general circulation in the county in which the lands or the greater portion thereof are situated and shall state the time (which shall not be less than 14 days after the last date of publication of the notice) and place for receiving and opening bids, a description of the lands, either as a tract or by parcels, and that the form of lease for the purpose of bidding may be procured at the designated office of the commission. Notice of intention

If the notice is published in a weekly newspaper, it must appear therein on at least two different days of publication and if in a newspaper published oftener, there must be at least five days from the first to the last day of publication, both days included.

SEC. 5. Section 6871.4 of said code is amended to read:

6871.4. The commission may divide the lands within the area proposed to be leased into parcels of convenient size and shape and shall prepare a form of lease or leases therefor embracing not to exceed 5,760 acres in any one lease. Parcels

SEC. 6. Section 6873.2 of said code is amended to read:

6873.2. Before offering any tide or submerged land area for an oil and gas lease, the commission shall publish notice thereof, and any affected city or county may, within thirty (30) days after the publication of such notice, request in writing to the commission that a hearing be held with respect Hearing

thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days' written notice thereof to the city or county, or both such city and county, making such request, and to the Department of Natural Resources, and shall publish such notice. The commission in its discretion and irrespective of any such requests may hold such hearings as it shall determine. Published notices shall be given in the manner prescribed in Section 6834 of this chapter.

Determination Factors for consideration

In not less than thirty (30) days after such hearing the commission shall determine whether or not to offer the land for lease, as provided under Sections 6871.3, 6872 and 6872.1. In such determination the commission shall consider whether the issuance of a lease as to all or a part of such land would result in an impairment or interference with the developed shore line recreational or residential areas adjacent to the proposed leased acreage, or whether to offer such land for lease as to all or a part thereof and include in the offer for lease such reasonable rules and regulations which, in the opinion of the commission, are necessary for the exploration, development, and operation of said lease in a manner which will not impair or interfere with said developed shore line recreational or residential areas; provided, however, that no tide or submerged lands shall be offered for lease under any conditions, rules, or regulations which will result in a discrimination between bidders as prohibited by Section 6874.

The commission in determining whether the issuance of such lease or leases would result in such impairment or interference with the developed shore line, recreational or residential areas adjacent to the proposed leased acreage or in determining such rules and regulations as shall be necessary in connection therewith shall at said hearing receive evidence upon and consider whether such proposed lease or leases would

(a) Be detrimental to the health, safety, comfort, convenience, or welfare of persons residing in, owning real property, or working in the neighborhood of such areas;

(b) Interfere with the developed shore line, residential or recreational areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park purposes;

(c) Destroy, impair, or interfere with the esthetic and scenic value of such recreational, residential or park areas;

(d) Create any fire hazard or hazards, or smoke, smog or dust nuisance, or pollution of waters surrounding or adjoining said areas.

Authority to hold the hearings provided in this section may be delegated by the commission to its officers or employees.

CHAPTER 2167

An act to add Chapter 8 to Part 2, Division 2, of the Insurance Code, relating to employee health and welfare programs, and making an appropriation.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 8 is added to Part 2, Division 2 of the Insurance Code, to read:

CHAPTER 8. EMPLOYEE HEALTH AND WELFARE PROGRAMS

10640. It is hereby declared to be the policy of this State that employee health, welfare and pension programs are of great benefit to employees and their dependents and that the growth of such programs should be encouraged and fostered; that the manner in which such programs are administered affects the well-being and security of many persons in this State; and that it is the purpose of this chapter to protect the rights and interests of the beneficiaries of such programs. Policy

10641. All health and welfare programs created by, or on account of contracts between labor organizations and employers for the purpose of paying either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance, shall be subject to the supervision and investigation of the State Insurance Commissioner; provided, when either funds or insurance policies or both are placed with a corporate trustee which is subject to the jurisdiction of the Superintendent of Banks of the State of California, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency of the United States of America, such corporate trustee and such funds and insurance policies or either so held in trust shall not be subject to the supervision of the State Insurance Commissioner. Health and welfare programs Supervision, etc

The funds of health and welfare programs shall be used and expended only for the purposes which are validly authorized by the instrument or instruments creating or governing the program.

10642. Every health and welfare program covering persons employed in this State shall be registered with the commissioner. The commissioner shall, by rule or regulation provide for the form, content, time of registration, and the issuance of a certificate of convenience to operate for all health and welfare programs covering persons employed in this State. Registration

Such rules or regulations may except from the reporting and regulatory provisions of this chapter any health and welfare program which the commissioner finds: (a) is a type of program in which there is no potential detriment to the beneficiaries; or (b) the number of persons employed in this State covered by the plan is less than 25; or (c) the trustees of the program, whose principal place of business is not in this State, are subject to and comply with the requirements of any law of any other state or of the United States with respect to registration, filing, examination, statements or reports; provided, that any exemption from the provisions of this chapter shall be granted only to the extent that such requirements are substantially complied with by the trustees of such programs when complying with such other laws.

Examination

10643. The commissioner may examine any employee health and welfare program as provided in Section 733 of this code as often as he deems necessary, but he shall do so at least once in every three years; provided, however, that wherever an employee health and welfare program is audited by a certified public accountant or a public accountant, the commissioner may, in his discretion, dispense with his examination if he is satisfied with the report of such accountant.

Scope

10644. Every employee health and welfare program examined under the provisions of this chapter shall open its books and papers for the inspection of the commissioner, and otherwise facilitate such examination. The commissioner may administer oaths and examine under oath any person relative to the business of the employee health and welfare program. If he finds the books to be carelessly or improperly kept or posted, he shall issue an order directing the program to correct its books and keep them in such condition as will be satisfactory to the commissioner.

Report

10645. The commissioner shall make a true report of every examination made by him, which shall comprise only facts appearing upon the books, records, or other documents of such program or as ascertained from its trustees, officers or agents, or other persons examined concerning its affairs, and such conclusions and recommendations as may be reasonably warranted from such facts.

Filing for public inspection

10646. The commissioner shall file for inspection by any bona fide beneficiary of a program and contributing employer or employee, the report of examination made pursuant to Section 10645 unless he determines that it is in the interests of the beneficiaries of the employee health and welfare program and the public to withhold such report from public inspection, in which case he may withhold the report from filing for public inspection until such time as he deems proper. Before filing any such report for public inspection the commissioner shall serve a copy of the report on the management of the health and welfare program examined and upon request shall afford such management a reasonable opportunity to file with the commissioner additional information and objections with

reference to any facts, conclusions or recommendations contained in such report.

Annual report

10647. Each health and welfare program shall file an annual report with the commissioner, who shall by rule and regulation provide for the time of filing, the form, and content of such report.

Inquiries

10648. In addition to any other statements or reports required by this article, the commissioner may also address to any employee health and welfare program, or its officers or agents, any inquiry in relation to its transactions or condition or any matter connected therewith. Every employee health and welfare program or person so addressed shall reply in writing to such inquiry promptly and truthfully, and such reply shall be verified, if required by the commissioner, by such individual, or by such officer or officers of the health and welfare program as the commissioner shall designate.

Annual report

10649. The management of every health and welfare program shall make an annual report to every employer contributing to the program who requests a report and to every employee covered by the program who requests the report, the report to be known as the annual report of the program.

Unlawful payments, etc

10650. No health and welfare program, employer contributing to such program, or labor organization representing any employees eligible for benefits under such program and no officer, agent or employee of any of the foregoing shall receive, directly or indirectly, any payment, commission, loan, service or other thing of value from any insurance company, insurance agent, insurance broker, or hospital, surgical or medical service plan in connection with the solicitation, sale, service or administration of a contract providing employee benefits under such program.

No officer, agent or employee of any health and welfare program and no employer contributing to any such program, and no labor organization representing any employees eligible for benefits under any such program shall receive any payment, commission, loan, service, or other thing of value from such employee welfare program or which is charged against such program, either directly or indirectly, except that nothing herein shall prevent:

1. Any person from receiving any employee benefits to which he is otherwise entitled.

2. Any officer, agent or employee of any health and welfare program from receiving from such program reasonable compensation for necessary services rendered and expenses incurred by him in connection with his official duties.

3. Any employer, whether or not he contributes to the health and welfare program, from being the recipient of a loan of funds of the program; provided, that such loan has previously been approved by the commissioner as being a bona fide business transaction.

4. Any person from receiving from any employee health and welfare program reasonable compensation or payment for necessary goods and services supplied or rendered to the program.

Nothing in this section shall affect the payment of any dividend or rate credit or other adjustment due under the terms of any insurance or annuity contract.

The commissioner may, by regulation or order, and upon such terms and conditions as he may require, authorize or approve any transaction or transactions otherwise prohibited by Section 10650 upon his finding that the transaction or transactions promote or will promote the best interests of the particular health and welfare program, and do not or will not adversely affect the interests of the covered employees.

Penalties

10651. Each wilful failure by the management of any health and welfare program to comply with any order of the commissioner issued pursuant to this chapter shall render such manager, officer, or agent liable to the State of California in such amount as may be assessed by the commissioner up to five hundred dollars ($500); and an additional five hundred dollars ($500) for each full calendar month during which such failure to comply continues after the commissioner has given notice of the noncompliance to the management. The commissioner may collect any amounts which become due to the State of California under this section by instituting an action in the name of the State in any court of competent jurisdiction.

Enforcement

10652. The commissioner may maintain any action, suit or proceeding or may intervene in any action, suit or proceeding necessary to enforce this chapter, or may bring any action a beneficiary could bring to redress a breach of trust.

Advisory council

10653. The Governor shall appoint an advisory council of seven persons to make recommendations to the Insurance Commissioner concerning his supervision of health and welfare programs. Such persons shall serve without remuneration and at the pleasure of the Governor.

Other laws

10654. Nothing in this act shall be construed to relieve the trustee of any employee health and welfare program from compliance with any other applicable laws of this State.

Rules

10654.5. The Insurance Commissioner may adopt, pursuant to the provisions of the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this chapter, and the provisions of this chapter vesting specific rule-making powers in the commissioner shall not be construed as a limitation on the general power vested herein.

Short title

10655. This enactment shall be known as the Rees-Doyle Health and Welfare Program Supervision Act

Appropriation

SEC. 2. There is hereby appropriated from the Insurance Fund in the State Treasury, not otherwise appropriated, the sum of three hundred twenty-six thousand dollars ($326,000) for the support of the Department of Insurance for 1957-58, in augmentation of Item 214, Budget Act of 1957.

Termination date

SEC. 3. The provisions of this chapter shall remain in effect until June 30, 1960.

CHAPTER 2168

An act to add Section 75030.5 to the Government Code, relating to the retirement of judges.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 75030.5 is added to the Government Code, to read:

75030.5. Any judge who has served as a constitutional officer or as a public legal officer before becoming a judge has a right to elect by written election filed with the Controller at any time prior to retirement, to make contributions pursuant to this section for, and receive credit in this system as service for all or any part of the time he served as such officer, excluding any period of time for which he is receiving or is entitled to receive a retirement allowance from any other public retirement system. As used herein, the term "constitutional officer" means the holder of an office created by the Constitution of this State, and "public legal officer" means the holder of any salaried legal office of the State or of any county or city in the State, such as attorney general, legislative counsel, district attorney, county counsel, city attorney, city prosecutor, public defender, or deputy of any such office.

Every judge electing to receive credit for service pursuant to this section shall at the time of filing his election, and as a condition to receiving such credit, pay into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary and paid into that fund pursuant to Section 75102 had he been a judge during the time for which he elects to receive credit for service, computed by applying the rates of deduction applicable to judges' salaries during such time to the rate of salary he actually received during his first year as a judge, plus interest at 3 percent a year, to the date of his payment, upon the amounts of such deductions and from the respective dates they would have been paid had he been a judge during the time for which he elects to receive credit for service. Such amount and interest shall be determined by the Controller in accordance with this section.

CHAPTER 2169

An act making an appropriation to the Division of Beaches and Parks for the acquisition and development of beaches, parks, and recreational areas.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, the sum of seven million five hundred sixty-nine thousand two

Appropriation for acquisition etc

hundred eighty-one dollars ($7,569,281) for the acquisition and development of beaches, parks, and recreational areas, pursuant to the following schedule:

State parks Trinidad Beach

(1) For acquisition of additional real property for, and the improvement and development of, Trinidad Beach State Park, payable from the State Beach Fund ---------- $100,000

Folsom Lake

(2) For surveys, plans and specifications for the following access roads to Folsom Lake State Park, payable from the State Park Fund ---------- 50,000

(a) Placer County Road 12 from its junction with Placer County Road 89 to the park.

(b) Placer County Road 18 from its junction with Placer County Road 89 to the park.

(c) Placer County Road 89L from its junction with Placer County Road 89 to the park bridge.

(d) In El Dorado County, County Road 40 from its junction with Route 65 to the reservoir near the Old Rattlesnake Bridge site.

(e) In El Dorado County, County Road 83.

(f) In El Dorado County, County Road 42 from its junction with County Road 83 to the state park.

(g) In El Dorado County, a new section of road connecting County Road 42 with County Road 39 to be located by the Division of Beaches and Parks.

(h) In El Dorado County, a new section of road from County Road 42 to the park bridge.

(i) A new bridge to be constructed across the north fork arm of Folsom Reservoir, the site location to be settled by agreement between the Division of Beaches and Parks, the County of Placer, and the County of El Dorado; except that if this bridge is constructed within 36 months after the effective date of this act, the Counties of Placer and El Dorado shall make available to the State for the construction of such bridge and its approaches the sum of five hundred thousand dollars ($500,000) which shall include any payments for any interest they may have in the total sum received in settlement between the counties and the United States Government for damages resulting to the counties from the removal by the United States Government of the Old Rattlesnake Bridge, less any cost incurred by the counties in obtaining such settlement. Said sum shall be paid by the counties pursuant to this provision of this item only upon their receipt of said settlement money from the Federal Government.

Mt Tamalpais

(3) The acquisition of portions of the Dias Ranch and Frank's Valley as additions to Mt. Tamalpais, payable from the State Park Fund ---------- $1,000,000

Millerton Court House

(4) The development of Millerton Court House, payable from the State Park Fund---------- 25,000

Los Angeles Arboretum

(5) The development of the Los Angeles Arboretum, payable from the State Park Fund ---------- 115,040

(6) The acquisition and improvement of lands and improvements lying between the southern city limits of the City of Santa Monica to the northern city limits of the City of Santa Monica, between the speedway and the Pacific Ocean, Ocean Avenue and the Pacific Ocean, Appian Way and the Pacific Ocean, and Palisades Beach Road and the Pacific Ocean, as an addition to the existing Santa Monica Beach State Park, payable from the State Beach Fund 2,000,000

Pueblo de Los Angeles

(7) The repair, restoration, and reconstruction of buildings of historical significance in the Pueblo de Los Angeles State Historical Monument, in the City of Los Angeles, including but not limited to those buildings on or near Olvera Street, the Pico-Garnier Block, and the Los Angeles Plaza, payable from the State Park Fund 500,000

Riding and hiking trails

(8) The development of the California Riding and Hiking Trails Project payable from the State Park Fund 200,000

City of Alameda

(9) The establishment of a state beach along the south shore of the City of Alameda, payable from the State Beach Fund 1,000,000

Kern River Park

(10) The development and improvement of the Kern River Park, payable from the State Park Fund 79,241

Public reservoirs

(11) The acquisition of lands and their development for recreational purposes, adjacent to existing and proposed public reservoirs, payable one-half from the State Beach Fund and one-half from the State Park Fund 2,000,000

Colusa-Sacramento River Park

(12) The acquisition of real property for, and the construction and development of, the Colusa-Sacramento River State Park, payable from the State Park Fund 500,000

The Colusa-Sacramento River State Park may include other Sacramento River parks and recreational areas in the Counties of Colusa and Glenn which are or may be placed under the supervision of the Division of Beaches and Parks. The State Park Commission may designate such other parks and recreational areas by a name or names other than the Colusa-Sacramento River State Park.

Priority

SEC. 2. The appropriation made by this act shall be expended by the Division of Beaches and Parks next in order of priority of expenditure after the appropriations made for beaches and parks by the Budget Act of 1956.

Terminal date

SEC. 3. The appropriation made by this act shall be available for expenditure until June 30, 1961.

CHAPTER 2170

An act to add Sections 5018.5 and 5020.5 to the Business and Professions Code, relating to proceedings of the State Board of Accountancy.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 5018.5 is added to the Business and Professions Code, to read:

5018.5. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

SEC. 2. Section 5020.5 is added to said code, to read:

5020.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2171

An act to add Section 23078 to the Business and Professions Code, relating to proceedings of the Alcoholic Beverage Control Appeals Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 23078 is added to the Business and Professions Code, to read:

23078. All meetings of the board shall be open and public.

CHAPTER 2172

An act to add Sections 7.1 and 7.2 to the Construction and Employment Act (Chapter 20 of the Statutes of 1946, First Extraordinary Session), relating to proceedings of the State Allocation Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 7.1 is added to the Construction and Employment Act (Chapter 20 of the Statutes of 1946, First Extraordinary Session), to read:

Sec. 7.1. All meetings of the board shall be open and public. Meetings

SEC. 2. Section 7.2 is added to said act, to read:

Sec. 7.2. All records of the board shall be open to inspection by the public during regular office hours. Records

CHAPTER 2173

An act to add Section 5524.5 to the Business and Professions Code, relating to proceedings of the California State Board of Architectural Examiners.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 5524.5 is added to the Business and Professions Code, to read:

5524.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2174

An act to add Sections 18623.5 and 18626.7 to the Business and Professions Code, relating to proceedings of the State Athletic Commission.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 18623.5 is added to the Business and Professions Code, to read:

18623.5. All meetings of the commission shall be open and public, except that the board may hold executive sessions to: Meetings

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 18626.7 is added to said code, to read:

18626.7. Except as otherwise provided by law all records of the commission shall be open to inspection by the public during regular office hours. Records

CHAPTER 2175

An act to add Section 6505.5 to the Business and Professions Code, relating to proceedings of the State Board of Barber Examiners.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 6505.5 is added to the Business and Professions Code, to read:

6505.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2176

An act to add Sections 9629.5 and 9632 to the Business and Professions Code, relating to proceedings of the Cemetery Board.

In effect September 11 1957

[Approved by Governor July 12, 1957 Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 9629.5 is added to the Business and Professions Code, to read:

Meetings

9629.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 9632 is added to said code, to read:

Records

9632. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided for by law.

CHAPTER 2177

An act to add Section 6716.5 to the Business and Professions Code, relating to proceedings of the State Board of Registration for Civil and Professional Engineers.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6716.5 is added to the Business and Professions Code, to read:

6716.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2178

An act to add Section 7309.5 to the Business and Professions Code, relating to proceedings of the State Board of Cosmetology.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7309.5 is added to the Business and Professions Code, to read:

7309.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations

CHAPTER 2179

An act to add Section 1610.5 to the Business and Professions Code, relating to proceedings of the Board of Dental Examiners of California.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1610.5 is added to the Business and Professions Code, to read:

1610.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2180

An act to add Sections 9534.5 and 9536 to the Business and Professions Code, relating to proceedings of the State Board of Dry Cleaners.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 9534.5 is added to the Business and Professions Code, to read:

Meetings

9534.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 9536 is added to said code, to read:

Records

9536. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2181

An act to add Section 13.4 to the Fish and Game Code, and Section 105 to the Fish and Game Code as proposed by Assembly Bill No. 616, relating to proceedings of the Fish and Game Commission.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 13.4 is added to the Fish and Game Code, to read:

Records

13.4. All records of the commission shall be open to inspection by the public during regular office hours, except as otherwise provided for by law.

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 13.4 of the Fish and Game Code adopted in 1933, is repealed. Effect Stats. 1957, Ch. 456

CHAPTER 2182

An act to add Sections 7605.5 and 7611 to the Business and Professions Code, relating to proceedings of the State Board of Funeral Directors and Embalmers.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 7605.5 is added to the Business and Professions Code, to read:

7605.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to: Meetings

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 7611 is added to said code, to read:

7611. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours. Records

CHAPTER 2183

An act to add Sections 7206.5 and 7207.5 to the Business and Professions Code, relating to proceedings of the State Board of Guide Dogs for the Blind.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 7206.5 is added to the Business and Professions Code, to read:

7206.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to: Meetings

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 7207.5 is added to said code, to read:

Records

7207.5. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

CHAPTER 2184

An act to add Section 5628.5 to the Business and Professions Code, relating to proceedings of the California State Board of Landscape Architects.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 5628.5 is added to the Business and Professions Code, to read:

5628.5. All meetings of the board shall be open and public, except that executive sessions of the board may be held to discuss and prepare examination questions and to grade the examinees.

CHAPTER 2185

An act to add Sections 6304.5 and 6307.5 to the Business and Professions Code, relating to proceedings of county boards of law library trustees.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 6304.5 is added to the Business and Professions Code, to read:

Meetings

6304.5. All meetings of the board shall be open and public.

SEC. 2. Section 6307.5 is added to said code, to read:

Records

6307.5. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2186

An act to add Sections 2712.5 and 2713.5 to the Business and Professions Code, relating to proceedings of the Board of Nurse Examiners of the State of California.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 2712.5 is added to the Business and Professions Code, to read:

2712.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to: Meetings

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 2713.5 is added to said code, to read:

2713.5. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided by law. Records

CHAPTER 2187

An act to add Section 3017.5 to the Business and Professions Code, relating to proceedings of the State Board of Optometry.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 3017.5 is added to the Business and Professions Code, to read:

3017.5. All meetings of the board shall be open and public except, that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2188

An act to add Sections 2121 and 2122 to the Business and Professions Code, relating to proceedings of the Board of Medical Examiners of the State of California and the Board of Osteopathic Examiners of the State of California.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2121 is added to the Business and Professions Code, to read:

2121. All meetings of the board shall be open and public, except that the board may hold executive sessions to: Meetings

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 2122 is added to said code, to read:

Records

2122. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2189

An act to add Sections 4008.5 and 4013 to the Business and Professions Code, relating to proceedings of the California State Board of Pharmacy.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 4008.5 is added to the Business and Professions Code, to read:

Meetings

4008.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 4013 is added to said code, to read:

Records

4013. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2190

An act to add Sections 10058.5 and 10060 to the Business and Professions Code, relating to proceedings of the Real Estate Commission.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 10058.5 is added to the Business and Professions Code, to read:

Meetings

10058.5. All meetings of the commission shall be open and public, except that the commission may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 10060 is added to said code, to read:

Records

10060. All records of the commission shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

CHAPTER 2191

An act to add Sections 8003.5 and 8010 to the Business and Professions Code, relating to proceedings of the Certified Shorthand Reporters Board.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 8003.5 is added to the Business and Professions Code, to read:

8003.5. All meetings of the board shall be open and public, Meetings except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 8010 is added to said code, to read:

8010. Except as otherwise provided by law, all records of Records the board shall be open to inspection by the public during regular office hours.

CHAPTER 2192

An act to add Sections 9009.5 and 9016 to the Business and Professions Code, relating to proceedings of the Board of Social Work Examiners of the State of California.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 9009.5 is added to the Business and Professions Code, to read:

9009.5. Except as otherwise provided by law, all records Records of the board shall be open to inspection by the public during regular office hours.

SEC. 2. Section 9016 is added to said code, to read:

9016. All meetings of the board shall be open and public, Meetings except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations

CHAPTER 2193

An act to add Section 8524.5 to the Business and Professions Code, relating to proceedings of the Structural Pest Control Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 8524.5 is added to the Business and Professions Code, to read:

8524.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2194

An act to add Sections 69.5 and 85 to the Military and Veterans Code, relating to proceedings of the California Veterans Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 69.5 is added to the Military and Veterans Code, to read:

Meetings

69.5. All meetings of the board shall be open and public.

SEC. 2. Section 85 is added to said code, to read:

Records

85. All records of the board, except records of contract purchasers, shall be open to inspection by the public during regular office hours.

CHAPTER 2195

An act to add Sections 4808.5 and 4809.1 to the Business and Professions Code, relating to proceedings of the Board of Examiners in Veterinary Medicine.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 4808.5 is added to the Business and Professions Code, to read:

4808.5. All meetings of the board shall be open and public, Meetings except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 4809.1 is added to said code, to read:

4809.1. Except as otherwise provided by law, all records of Records the board shall be open to inspection by the public during regular office hours.

CHAPTER 2196

An act to add Sections 2851.5 and 2852.5 to the Business and Professions Code, relating to proceedings of the Board of Vocational Nurse Examiners of the State of California.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2851.5 is added to the Business and Professions Code, to read:

2851.5. All meetings of the board shall be open and public, Meetings except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

SEC. 2. Section 2852.5 is added to said code, to read:

2852.5. Except as otherwise provided by law, all records of Records the board shall be open to inspection by the public during regular office hours.

CHAPTER 2197

An act to add Sections 1153.1 and 1153.2 to the Harbors and Navigation Code, relating to proceedings of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1153.1 is added to the Harbors and Navigation Code, to read:

1153.1. All meetings of the board shall be open and public. Meetings

SEC. 2. Section 1153.2 is added to said code, to read:

1153.2. All records of the board shall be open to inspection Records by the public during regular office hours.

CHAPTER 2198

An act to add Sections 1261 and 1262 to the Harbors and Navigation Code, relating to proceedings of the Board of Pilot Commissioners for Humboldt Bay.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 1261 is added to the Harbors and Navigation Code, to read:

Meetings

1261. All meetings of the board shall be open and public.

SEC. 2. Section 1262 is added to said code, to read:

Records

1262. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2199

An act to add Sections 1355 and 1356 to the Harbors and Navigation Code, relating to proceedings of the Board of Pilot Commissioners for the Harbor of San Diego.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 1355 is added to the Harbors and Navigation Code, to read:

Meetings

1355. All meetings of the board shall be open and public.

SEC. 2. Section 1356 is added to said code, to read:

Records

1356. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2200

An act to add Sections 506.1 and 506.2 to the Public Resources Code, relating to proceedings of the State Park Commission.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 506.1 is added to the Public Resources Code, to read:

Meetings

506.1. All meetings of the commission shall be open and public.

SEC. 2. Section 506.2 is added to said code, to read:

Records

506.2. All records of the commission shall be open to inspection by the public during regular office hours.

CHAPTER 2201

An act to add Sections 507.2 and 507.3 to the Public Resources Code, relating to proceedings of the State Mining Board.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 507.2 is added to the Public Resources Code, to read:

507.2 All meetings of the board shall be open and public. Meetings

SEC. 2. Section 507.3 is added to said code, to read:

507.3. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided for by law. Records

CHAPTER 2202

An act to add Section 3414.1 to the Public Resources Code, relating to proceedings of the Board of Review, Correction, and Equalization for oil and gas assessments.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3414.1 is added to the Public Resources Code, to read:

3414.1. All meetings of the board shall be open and public.

CHAPTER 2203

An act to add Section 6109 to the Public Resources Code, relating to proceedings of the State Lands Commission.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6109 is added to the Public Resources Code, to read:

6109. All meetings of the commission shall be open and public.

CHAPTER 2204

An act to add Sections 9071 and 9072 to the Public Resources Code, relating to proceedings of the State Soil Conservation Advisory Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 9071 is added to the Public Resources Code, to read:

Meetings

9071. All meetings of the board shall be open and public.

SEC. 2. Section 9072 is added to said code, to read:

Records

9072. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2205

An act to add Sections 20494 and 20495 to the Education Code, relating to proceedings of the board of examiners for vocational teachers.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 20494 is added to the Education Code, to read:

Meetings

20494. All meetings of the board shall be open and public.

SEC. 2. Section 20495 is added to said code, to read:

Records

20495. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2206

An act to add Sections 14344 and 14345 to the Education Code, and to add Sections 20136 and 20137 to the Government Code, relating to proceedings of state agencies.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 14344 is added to the Education Code, to read:

Meetings

14344. All meetings of the Retirement Investment Board shall be open and public.

SEC. 2. Section 14345 is added to said code, to read:

Records

14345. All records of the Retirement Investment Board shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

SEC. 3. Section 20136 is added to the Government Code, to read:

20136. All meetings of the Board of Administration, State Employees' Retirement System, shall be open and public. Meetings

SEC. 4. Section 20137 is added to said code, to read:

20137. All records of the Board of Administration, State Employees' Retirement System, shall be open to inspection by the public during regular office hours, except as otherwise provided for by law. Records

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CHAPTER 2207

An act to add Sections 14315 and 14316 to the Education Code, relating to proceedings of the Teachers Retirement Board.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 14315 is added to the Education Code, to read:

14315. All meetings of the board shall be open and public. Meetings

SEC. 2. Section 14316 is added to said code, to read:

14316. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided for by law. Records

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CHAPTER 2208

An act to add Sections 119 and 120 to the Education Code, relating to proceedings of the State Board of Education.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 119 is added to the Education Code, to read:

119. All meetings of the board shall be open and public. Meetings

SEC. 2. Section 120 is added to said code, to read:

120. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided by law. Records

CHAPTER 2209

An act to add Sections 3091 and 3092 to the Labor Code, relating to proceedings of the Apprenticeship Council.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 3091 is added to the Labor Code, to read:

Meetings

3091. All meetings of the council shall be open and public.

SEC. 2. Section 3092 is added to said code, to read:

Records

3092. All records of the council shall be open to inspection by the public during regular office hours.

CHAPTER 2210

An act to add Sections 146 and 147 to the Labor Code, relating to proceedings of the Industrial Safety Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 146 is added to the Labor Code, to read:

Meetings

146. All meetings of the board shall be open and public.

SEC. 2. Section 147 is added to said code, to read:

Records

147. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2211

An act to add Sections 136 and 137 to the Labor Code, relating to proceedings of the Industrial Accident Commission.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 136 is added to the Labor Code, to read:

Meetings

136. All meetings of the commission, except for the purpose of judicial deliberations of cases, shall be open and public.

SEC. 2. Section 137 is added to said code, to read:

Records

137. All records of the commission shall be open to inspection by the public during regular office hours.

CHAPTER 2212

An act to add Sections 76.5 and 76.7 to the Labor Code, relating to proceedings of the Commission of Housing

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 76.5 is added to the Labor Code, to read:

76.5. All meetings of the commission shall be open and public. Meetings

SEC. 2. Section 76.7 is added to said code, to read:

76.7. All records of the commission shall be open to inspection by the public during regular office hours. Records

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CHAPTER 2213

An act to add Sections 71.1 and 71.2 to the Labor Code, relating to proceedings of the Industrial Welfare Commission.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 71.1 is added to the Labor Code, to read:

71.1. All meetings of the commission shall be open and public, except that the commission may hold executive sessions to deliberate on the evidence before the commission prior to the promulgation of any order pursuant to the authority conferred upon it by Section 1182 of the Labor Code. Meetings

SEC. 2. Section 71.2 is added to said code, to read:

71.2. All records of the commission shall be open to inspection by the public during regular office hours. Records

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CHAPTER 2214

An act to add Section 15703 to the Government Code, relating to proceedings of the Franchise Tax Board.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 15703 is added to the Government Code, to read:

15703. All meetings of the board shall be open and public, except during executive sessions of the board if public disclosure of the subject under discussion or consideration is prohibited by law.

CHAPTER 2215

An act to add Section 15625 to the Government Code, relating to proceedings of the State Board of Equalization.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 15625 is added to the Government Code, to read:

15625. All meetings of the board shall be open and public.

CHAPTER 2216

An act to add Sections 15486 and 15487 to the Government Code, relating to proceedings of the Board of Investment.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 15486 is added to the Government Code, to read:

Meetings

15486. All meetings of the board shall be open and public.

SEC. 2. Section 15487 is added to said code, to read:

Records

15487. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2217

An act to add Sections 13912 and 13913 to the Government Code, relating to proceedings of the State Board of Control.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 13912 is added to the Government Code, to read:

Meetings

13912. All meetings of the board shall be open and public.

SEC. 2. Section 13913 is added to said code, to read:

Records

13913. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2218

An act to add Sections 8012 and 8013 to the Government Code, relating to proceedings of the California Commission on Interstate Cooperation.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 8012 is added to the Government Code, to read:

8012. All meetings of the commission shall be open and public. Meetings

SEC. 2. Section 8013 is added to said code, to read:

8013. All records of the commission shall be open to inspection by the public during regular office hours. Records

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CHAPTER 2219

An act to add Section 50847 to the Government Code, relating to proceedings of the Board of Firemen's Pension Fund Commissioners and the Board of Police Pension Fund Commissioners.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 50847 is added to the Government Code, to read:

50847. All meetings of the board shall be open and public.

CHAPTER 2220

An act to add Sections 18910 and 18911 to the Health and Safety Code, relating to proceedings of the State Building Standards Commission.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 18910 is added to the Health and Safety Code, to read:

18910. All meetings of the commission shall be open and public. Meetings

SEC. 2. Section 18911 is added to said code, to read:

18911. All records of the commission shall be open to inspection by the public during regular office hours. Records

CHAPTER 2221

An act to add Sections 13141.1 and 13141.2 to the Health and Safety Code, relating to proceedings of the State Fire Advisory Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 13141.1 is added to the Health and Safety Code, to read:

Meetings

13141.1. All meetings of the board shall be open and public.

SEC. 2. Section 13141.2 is added to said code, to read:

Records

13141.2. All records of the board shall be open to inspection by the public during regular office hours.

CHAPTER 2222

An act to add Sections 1110.1 and 1110.2 to the Health and Safety Code, relating to proceedings of the California Conference of Local Health Officers.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 1110.1 is added to the Health and Safety Code, to read:

Meetings

1110.1. All meetings of the conference shall be open and public.

SEC. 2. Section 1110.2 is added to said code, to read:

Records

1110.2. All records of the conference shall be open to inspection by the public during regular office hours.

CHAPTER 2223

An act to add Sections 431.3 and 431.4 to the Health and Safety Code, relating to proceedings of the Advisory Hospital Council.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 431.3 is added to the Health and Safety Code, to read:

Meetings

431.3. All meetings of the council shall be open and public.

SEC. 2. Section 431.4 is added to said code, to read:

Records

431.4. All records of the council shall be open to inspection by the public during regular office hours.

CHAPTER 2224

An act to add Sections 103.1 and 103.2 to the Health and Safety Code, relating to proceedings of the State Board of Public Health.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 103.1 is added to the Health and Safety Code, to read:

103.1. All meetings of the board shall be open and public. Meetings

SEC. 2. Section 103.2 is added to said code, to read:

103.2. All records of the board shall be open to inspection by the public during regular office hours. Records

CHAPTER 2225

An act to add Section 102.1 to the Welfare and Institutions Code, relating to proceedings of the Social Welfare Board.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 102.1 is added to the Welfare and Institutions Code, to read:

102.1. All meetings of the board shall be open and public.

CHAPTER 2226

An act to add Sections 505.1 and 505.2 to the Public Resources Code, relating to proceedings of the State Board of Forestry.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

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

SECTION 1. Section 505.1 is added to the Public Resources Code, to read:

505.1. All meetings of the board shall be open and public. Meetings

SEC. 2. Section 505.2 is added to said code, to read:

505.2. All records of the board shall be open to inspection by the public during regular office hours. Records

CHAPTER 2227

An act to add Section 40.1 to the Agricultural Code, relating to proceedings of the State Board of Agriculture.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 40.1 is added to the Agricultural Code, to read:

40.1. All meetings of the board shall be open and public.

CHAPTER 2228

An act to add Sections 71.1 and 71.2 to the Agricultural Code, relating to proceedings of the Board of Directors of the California State Fair and Exposition.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 71.1 is added to the Agricultural Code, to read:

Meetings

71.1. All meetings of the board shall be open and public.

SEC. 2. Section 71.2 is added to said code, to read:

Records

71.2. All records of the board, except entries in events scheduled for future judging and for overnight entries in races on which there is pari-mutuel wagering prior to such events, judging times, or races, shall be open to inspection by the public during regular office hours.

CHAPTER 2229

An act to add Sections 44.1 and 44.2 to the Agricultural Code, relating to proceedings of the Poultry Improvement Commission.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 44.1 is added to the Agricultural Code, to read:

Meetings

44.1. All meetings of the commission shall be open and public.

SEC. 2. Section 44.2 is added to said code, to read:

Records

44.2. All records of the commission shall be open to inspection by the public during regular office hours.

CHAPTER 2230

An act to add Sections 205.6 and 205.7 to the Agricultural Code, relating to proceedings of the State Livestock Sanitary Committee.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 205.6 is added to the Agricultural Code, to read:

205.6. All meetings of the committee shall be open and public. Meetings

SEC. 2. Section 205.7 is added to said code, to read:

205.7. All records of the committee shall be open to inspection by the public during regular office hours. Records

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CHAPTER 2231

An act to add Sections 335.1 and 335.2 to the Agricultural Code, relating to proceedings of the Livestock Identification Advisory Board.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 335.1 is added to the Agricultural Code, to read:

335.1. All meetings of the board shall be open and public Meetings

SEC. 2. Section 335.2 is added to said code, to read:

335.2. All records of the board shall be open to inspection by the public during regular office hours. Records

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CHAPTER 2232

An act to add Sections 745.6 and 745.7 to the Agricultural Code, relating to proceedings of the California Dairy Industry Advisory Board.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 745.6 is added to the Agricultural Code, to read:

745.6. All meetings of the board shall be open and public. Meetings

SEC. 2. Section 745.7 is added to said code, to read:

745.7. All records of the board shall be open to inspection by the public during regular office hours. Records

CHAPTER 2233

An act to add Sections 84.1 and 84.2 to the Agricultural Code, relating to proceedings of district agricultural associations.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

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

SECTION 1. Section 84.1 is added to the Agricultural Code, to read:

Meetings

84.1. All meetings of the board shall be open and public.

SEC. 2. Section 84.2 is added to said code, to read:

Records

84.2. All records of the board, except entries in events scheduled for future judging and for overnight entries in races on which there is pari-mutuel wagering prior to such events, judging times, or races, shall be open to inspection by the public during regular office hours.

CHAPTER 2234

An act to add Section 6864.5 to the Business and Professions Code, relating to proceedings of the State Collection Agency Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6864.5 is added to the Business and Professions Code, to read:

6864.5. All meetings of the board shall be open and public.

CHAPTER 2235

An act to add Section 7008.5 to the Business and Professions Code, relating to proceedings of the Contractors' State License Board.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7008.5 is added to the Business and Professions Code, to read:

7008.5. All meetings of the board shall be open and public, except that the board may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

CHAPTER 2236

An act making an appropriation for the acquisition of Santa Cruz Mission as a historical monument.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, the sum of forty-five thousand dollars ($45,000) payable from the State Park Fund for the acquisition of Santa Cruz Mission as a state historical monument.

CHAPTER 2237

An act to add Chapter 6.5, comprising Sections 13071 to 13193, inclusive, to Division 6 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 8, 1957. Filed with Secretary of State July 13, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5, comprising Sections 13071 to 13193, inclusive, is added to Division 6 of the Public Utilities Code, to read:

CHAPTER 6.5. ELECTRIC SYSTEM IMPROVEMENTS

Article 1. Application

Authority

13071. This chapter is complete authority for the issuance of bonds hereunder, and no action or proceeding not required by this chapter shall be necessary for the valid authorization and issuance of such bonds.

Applicability of chapter

13072. Unless otherwise clearly indicated by the context, all of the provisions of this chapter shall be understood as relating only to bonds issued under this chapter.

13073. This chapter shall apply only to districts which have owned and operated an electric distribution system for at least 10 years and which have a population of 250,000 or more.

Article 2. Definitions

Definitions

13081. Unless the context otherwise requires, the provisions of this article govern the construction of this chapter.

13082. "Bonds" includes the meaning of "notes, certificates and other evidences of indebtedness" and in every case refers only to bonds issued under this chapter, whether so specified or not.

13083. "Refund" includes the meaning of "extend" and "renew."

13084. "Assented to by the voters" means that the proposition indicated by the context has been submitted to the voters of the district, and has been assented to by a majority of those voters who voted upon that proposition at the election.

13085. "Payments on principal" means payments on account of the principal of bonds, whether upon maturity or by payments into a sinking fund on account of principal, and includes premiums required to be paid on the mandatory redemption of sinking fund bonds.

Article 3. General Authorization

Bond purposes

13091. A district may borrow money from time to time for the purpose of constructing, reconstructing, replacing, extending or improving its system for supplying the district and its inhabitants with electric energy, and may issue and sell bonds to evidence the indebtedness created by such borrowing. No such money may be used:

(1) For constructing or improving works located outside the district boundaries which exist on the date this Chapter 6.5 is enacted.

(2) For acquiring any property owned by a public utility.

(3) For constructing or improving works for generating electricity.

(4) For constructing or improving works used, or to be used, in whole or in part either for the receipt, transmission and delivery of electric energy for any supplier of electric power or for the exchange of electric power with any person or entity. This provision shall not prevent the district from using such money for the purposes set forth in the initial sentence of this section.

Term

Such bonds shall not be issued for a term in excess of 20 years from the date of their sale; provided, that this sentence shall not limit the power of a district to refund such bonds.

Refunding

13092. A district may also refund from time to time, whether at or prior to maturity, any outstanding indebtedness evidenced by its bonds, and may issue, and sell or exchange, bonds so to refund such indebtedness. Refunding bonds which are to be sold may be issued and sold at such time in advance of the time at which the bonds to be redeemed or paid out of the proceeds of such refunding bonds are to be so redeemed or paid as the board may determine.

Aggregate amount

13093. Whenever a district exercises the power to borrow money pursuant to this chapter the board may authorize the issuance of bonds in any amount which, when added to the aggregate amount of bonds of the district issued under this chapter and outstanding at the time of the acceptance of a proposal for the purchase of the bonds so authorized and payable out of the revenues out of which the bonds so au-

thorized are to be payable shall not exceed the amount of the earned surplus derived from the operation of the electric system to which those revenues pertain, as of the end of the last fiscal year which ended not less than four months prior to the making of the finding and determination provided for in Section 13161 The aggregate amount of bonds issued under this chapter shall not exceed in face value the sum of ten million dollars ($10,000,000) in any one calendar year.

Exception

13094. The limitations prescribed in Section 13093 shall not be applicable to the issuance of any refunding bonds pursuant to this chapter, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment or redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Outstanding bonds

13095. Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to this chapter to insure the payment thereof, of moneys sufficient for that purpose, or through the irrevocable segregation for that purpose, in some sinking fund or other fund or trust account, of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this chapter.

Terms, conditions, etc

13096. The board shall have power to determine all the terms and conditions of the issuance and sale of bonds pursuant to this chapter, excepting only as such power is limited by express provisions of this chapter.

Article 4. Proceedings for Issuance

Resolution

13101. Whenever a district proposes to exercise the power to borrow money, or to refund indebtedness, pursuant to this chapter, the board shall adopt a resolution authorizing the issuance of bonds for such purpose, which resolution shall specify all of the following:

(1) The purpose for which the proposed bonds are to be issued.

(2) The maximum principal amount of the bonds proposed to be issued.

(3) The maximum term for which any of said bonds are to run.

(4) The maximum interest cost, to be determined in the manner specified in said resolution, to be incurred through the issuance of such bonds.

(5) The maximum premium, if any, to be payable on the redemption of any such bonds.

(6) Whether or not such bonds are to be in negotiable form.

(7) The limits within which, in connection with the issuance of such bonds, restrictions may be imposed upon the incurring of additional indebtedness payable out of the revenue fund from which such bonds are to be payable.

Amount

13102. At the time of adopting the resolution of issuance, the board shall also by resolution determine the amount required for the purposes for which the money is to be borrowed or required for such refunding.

Referendum

13103. When bonds are issued under this chapter, the resolution of the board adopted pursuant to this article shall take effect upon its adoption by the board subject to the right of referendum herein provided for.

Publication

13104. Upon any such resolution taking effect subject to the right of referendum, pursuant to this article, the board shall cause the same to be published in the manner provided for the publication of notices. At any time within 60 days after the date of the second such publication a referendary petition, signed by voters in number equal to at least 3 percent of the total vote cast, as defined in Section 11507, demanding the submission of such resolution to a vote of the voters of the district for their assent to the issuance of the proposed bonds, may be filed with the secretary. Upon presentation to the secretary of a referendary petition, the resolution which is the subject thereof shall be of no effect unless and until it has been assented to by the voters.

Issue

13105. If no such referendary petition is presented within the aforesaid period of 60 days, then upon the expiration of said period, or if the proposition of issuing the bonds specified in the resolution of the board adopted pursuant to this article has been assented to by the voters, whether upon referendum or pursuant to any other provisions of this chapter, then upon such proposition having been so assented to, the resolution shall take full and final effect, and the board may proceed in accordance with the provisions of this chapter and issue bonds within the terms of the resolution.

Contract

13106. The provisions of any resolution constituting a part of the proceedings for the issuance of any bonds under this chapter, when so declared by its terms, or by the terms of any other such resolution, shall constitute a contract between the district and the holders of such bonds, and the provisions thereof shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Election

13107. The board at any time may adopt a resolution providing for submission to the voters of the district of the proposition of assenting to any proposed action of the board in any case where such assent is required or permitted by the terms of this chapter, or in any case where the board may deem such submission to be desirable. Such resolution may provide for such submission at any specified regular district election, or at any special election. Such resolution and such election shall, except to the extent otherwise provided in this chapter,

conform to the requirements of Article 1, Chapter 7, of this division. The board shall do, or cause to be done, any and all things necessary to make such submission at the election indicated by its resolution and to determine and certify the result thereof.

Article 5. Sources of Payment

Payable out of revenue

13111. All bonds issued by a district pursuant to this chapter shall be, and shall recite upon their face that they are, payable both as to principal and interest, and as to any premiums upon the redemption thereof, out of the revenues pertaining to the electric system on account of which the indebtedness evidenced by such bonds was created, and not out of any other fund or moneys of the district.

Exceptions

13112. The provisions of this article shall not preclude any of the following:

(1) The payment of any such principal, interest or premiums through appropriate reserve funds or special trust accounts, established as hereinafter in this article provided

(2) The payment of interest on or principal of bonds of any such issue out of sums received as premiums or accrued interest on the sale of that issue.

(3) The payment of any such principal or premiums out of the proceeds of the sale of refunding bonds issued for that purpose.

(4) The payment out of the proceeds of any bonds of the whole or a part of the interest accruing on said bonds during the period of the performance of work to be paid for out of such proceeds.

(5) The payment of any such principal, interest or premiums by the purchasers of any such bonds, or by any entity, public or private, other than the district, in any case where any such purchaser or entity may have guaranteed such payment.

Article 6. Reserve Funds

Establishment of reserve fund

13121. In connection with the exercise of the power to borrow money, to issue bonds, and to refund indebtedness, pursuant to this chapter, the board may, from time to time, establish and maintain a reserve fund or funds in the district treasury, or a special trust account or accounts with an agent or agents designated by the board as a sinking fund or otherwise, to insure the payment, when due or payable, whether at maturity or upon redemption, of the principal of, and interest on, bonds issued as aforesaid, including premiums, if any, due upon the redemption of any thereof, or for any of said purposes. Money in any such reserve fund may be used for the purchase of bonds of the issue in connection with which it was established, for cancellation and retirement pursuant to any mandatory requirement of the redemption of sinking fund bonds. Each such fund or account shall be established and maintained out of the revenues pertaining to the electric sys-

tem on account of which such power is exercised or out of any moneys which under the terms of this article are applicable to the purpose, through transfers or payments made at such times and in such amounts as the board may direct.

Use of fund

13122. Money set aside and placed in any such reserve fund or special trust account shall remain therein until from time to time expended for the purposes thereof, and shall not be used for any other purpose whatsoever, except for temporary investment thereof as provided in this chapter; provided, however,

(1) That money may be paid or transferred from any such fund or account in furtherance of the purpose of its establishment, to any other such fund or account established for a like purpose in connection with the same issue of bonds, to such extent as may be required or permitted under the terms of the resolution authorizing that issue; and

(2) That all money remaining in any such fund or account in excess of the amount required to make provision for the payment in full of the principal of, and interest on, the bonds with respect to which it was established, including premiums, if any, due upon the redemption of any thereof, may be returned and transferred to the revenue fund out of which such reserve fund was established.

Withdrawal procedure

13123. Money in any such reserve fund shall be drawn therefrom only upon demands authenticated by the signature of the accountant of the district; provided, however, that the board may, in its discretion, direct and authorize the payment from such reserve fund, by the treasurer, without such authenticated demand, (i) of bonds of the issue in connection with which such reserve fund is so established when due upon maturity or call, or of coupons pertaining to bonds of such issue when due, but only upon presentation and surrender of such bonds or coupons, (ii) of interest upon registered bonds of such issue when due, or (iii) of premiums, if any, due upon the redemption of any such bonds.

13124. Money in any such special trust account shall be drawn therefrom only in accordance with directions given or authorized by the board.

Article 7. Obligation to Bondholders

Compliance with statute

13131. So long as any bonds of the district are outstanding and unpaid, or so long as provision has not been made for the full payment and discharge of all such outstanding bonds, upon maturity, or upon redemption prior to maturity, through the setting apart in a reserve fund or special trust account created pursuant to this article to insure the payment thereof, of money sufficient for that purpose, or through other irrevocable allocation to that purpose of money sufficient therefor all provisions of this article shall be complied with.

Rates

13132. The board shall fix rates for service from the electric system to which the indebtedness pertains, and collect

charges for such service, such as to provide revenues at least sufficient in the aggregate to pay, as the same shall become due, the principal and interest on all such bonds so outstanding payable out of those revenues, including premiums, if any, due upon the redemption of any thereof, in addition to paying, as the same shall become due, the necessary expenses of operating and maintaining such system, and all other obligations and indebtedness payable out of those revenues.

Priority

13133. Bonds issued under this chapter shall be issued without any priority with respect to payment of principal or interest.

Sale, etc., of system

13134. The electric system of the district to which the indebtedness pertains shall not be sold or otherwise disposed of, as a whole or substantially as a whole, unless such sale or other disposition be so arranged as to provide for a continuance of payments into a fund sufficient in amount to permit payment therefrom of principal of, and interest on, and premiums, if any, due upon the redemption of, all bonds issued under this chapter.

Other indebtedness

13135. No indebtedness payable out of revenues shall be created in contravention of the provisions of any resolutions heretofore adopted by the board in connection with the authorization of any bonds payable out of revenues.

Variation in obligation to bondholders

13136. Anything in this article to the contrary notwithstanding, the board, in any resolution constituting a part of the proceedings for the issuance of any issue of bonds under this chapter may determine that the holders of the bonds of that issue are not to be entitled to the benefits of or to enforce any or all of the provisions of this article, and to that end the board, in such resolution, shall specify the provisions of this article to the benefits of which the holders of the bonds of that issue shall be entitled; and the holders of the bonds of that issue shall not be entitled to the benefits of or to enforce any of the provisions of this article not so specified.

Article 8. Consents of Bondholders

Consents of bondholders

13141. The board may provide in the resolution authorizing the issue of any bonds under this chapter that any act consented to by the holders of 60 percent in aggregate principal amount of the outstanding bonds of any issue of bonds issued under this chapter, pursuant to provisions for such consents contained in any resolution of the board constituting a part of the proceedings for the issuance of such bonds, shall not, as to the bonds of that issue, be deemed an infringement of any of the provisions of Article 7 of this chapter, or of any covenant made pursuant thereto, whatever the character of such act may be.

Modification of bond obligations

13142. The board may provide in the resolution authorizing the issue of any bonds under this chapter the terms and conditions upon which any provision of any resolution of the board constituting a part of the proceedings for the issu-

ance of such bonds, or any provision of such bonds or coupons appurtenant thereto, may be modified if consented to by the holders of any percentage, specified in such resolution authorizing the issue of such bonds, of the aggregate principal amount of the outstanding bonds of such issue.

Article 9. Form and Content

Discretion of board

13151. Without limiting in any way the generality of its power, the board is expressly authorized, in its discretion, to provide, in connection with any issue of bonds under this chapter all the matters contained in this article.

Amount

13151.1. The board may provide for such bonds being in such amounts, of such denominations, payable at such times, and in such form as the board may determine.

Negotiability

13151.2. The board may provide for such bonds being negotiable or nonnegotiable.

Place of payment

13151.3. The board may provide for such bonds and the interest thereon, and premiums, if any, due upon the redemption of any thereof, being payable or collectible at any place or places, within or without the State of California, and without presentation and approval of demands.

Terms of bonds

13151.4. The board may provide for such bonds being payable to bearer or only to the registered holder, either as to principal alone, or as to both principal and interest; for such bonds being with or without coupons; for such bonds being nonregisterable, or registerable, either as to principal alone, or as to both principal and interest; for such bonds being exchangeable or nonexchangeable, convertible or nonconvertible; and for the reissuance of bonds or coupons which have been surrendered and preserved, or for the issuance of new bonds or coupons in the place of bonds or coupons which have been surrendered and canceled, wherever appropriate as incident to the discharge of any bond from registration, or to any exchange or conversion of any bond; all on such terms and conditions, and at such place or places, within or without the State of California, as the board may determine.

Redemption

13151.5. The board may provide for such bonds being redeemable, either at the option of the district, or in the operation of any sinking fund provided for the issue, at such price or prices and in such manner as the board may determine, whether or not involving the payment of a premium upon such redemption; provided, that no bond shall be subject to redemption unless such bond at the time of its issue states on its face that it is redeemable at the option of the district or by the operation of a sinking fund for bonds of that issue, as the case may be.

Duplicate

13151.6. The board may provide for the issuance by the district of a duplicate, in the manner and on such terms and conditions as the board may determine, in the event any bond, temporary bond, coupon or interim receipt of any such issue is lost, destroyed or mutilated.

13151.7. The board may provide for the appointment and payment of fiscal, paying, sinking fund or other agents, or of trustees or registrars. Agents

13151.8. The board may provide for the appointment of the treasurer of the district to act as such fiscal, paying, sinking fund or other agent. Treasurer

13151.9. The board may provide for the custody by the district of bonds and coupons, whether pending delivery or after purchase or surrender; for the delivery of bonds and coupons by the district to the purchaser thereof; for the receipt by the district of the proceeds of the sale and for the depositing of such proceeds in the proper fund or funds. Custody

13151.10. The board may provide for the sale of any such bonds upon such terms and conditions as the board in its discretion may determine at public sale Bonds may be sold by the board below the par or face value thereof, but no issue of bonds shall be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser of the entire issue an average yield of more than 6 percent per annum, payable semiannually, according to standard tables of bond values; provided further, that in the case of refunding bonds the board may provide for the refunding being made, in whole or in part, by the exchange of such refunding bonds for the bonds to be refunded. 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. Sale

13151.11. The board may provide for the issuance of interim receipts or of temporary bonds, in such form as the board may prescribe, pending the issuance of definitive bonds. Interim bonds

13151.12. The board may provide for any signatures to such bonds and to any coupons thereto attached, and to any interim receipts and temporary bonds, being by facsimile. Signatures

13151.13. The board may provide for restrictions on the incurring of additional indebtedness of the district payable out of the revenues out of which the bonds then authorized are to be payable. Other indebtedness

13151.14. The board may provide for restrictions on future transfers out of the revenues out of which the bonds then authorized are to be payable. Same

13151.15. The board may provide for covenants with the holders of bonds to the same effect as set forth in Article 7 of this chapter, which covenants shall not be subject to alteration or repeal, except as in Article 8 of this chapter provided. Covenants

Information to purchasers

13151.16. The board may provide for the issuance and distribution in such form as the board may determine of official statements respecting proposed issues of bonds and the properties, operations and finances of the works on account of which such bonds are to be issued, for the information of prospective purchasers of such bonds; and, in any case where any proposition is to be submitted to the voters for their assent, whether by referendum or pursuant to any provision of this chapter, for the issuance, distribution, dissemination and publication of factual statements respecting such proposed issues of bonds, and such properties, operations and finances, for the information of such voters.

Contracts for printing, etc

13151.17. The board may provide for the making of contracts, or the placing of orders, for the engraving or printing of any bonds, whether definitive or temporary, or of interim receipts, authorized by this chapter, or for any printing incident to the offering or issuance of any such bonds, without advertising for bids, in any case where, because of limitations of time, or requirements as to quality of work, or as to security in the control or custody of plates, or any similar cause, the board may deem it to be in the public interest so to do, anything in this division to the contrary notwithstanding, but in so doing the board shall, if practicable, obtain or cause to be obtained competitive bids, formal or informal, from bidders who can perform work of the required quality within the required time, and, in the case of engraving, who are of proper responsibility and who have adequate facilities for the control and safekeeping of the engraved plates.

Requirements of bond issue

13152. Each issue of bonds issued pursuant to this chapter shall conform to the following requirements:

(1) Such bonds shall be serial bonds or sinking fund bonds, or a combination of serial and sinking fund bonds.

(2) Provision shall be made for the retirement of such bonds through annual payments on principal, and such payments shall begin not more than 10 years, and end not more than 20 years, after the date of such bonds.

Article 10. Validity

Relevant facts necessary to issue

13161. Prior to the issue of any bonds to be issued pursuant to this chapter, the board, after satisfying itself respecting the relevant facts, shall, by resolution, find and determine—

(1) The amount of earned surplus derived from the operation of the electric system of the district to which the revenues out of which such bonds are to be payable pertain, as of the end of the last fiscal year which ended not less than four months prior to the making of such finding and determination, and that the ascertainment of such earned surplus has been in accordance with sound accounting practice; provided, however, that such finding and determination need not be made in the case of the authorization of refunding bonds, or in any

case where the voters have assented to the issuance of bonds in excess of the limitation specified in this chapter.

(2) That the amount of bonds of the district payable out of the revenues out of which such issue of bonds is to be payable and outstanding at the time of the adoption of such resolution does not exceed an amount stated in said finding and determination; subject, however, to the same proviso as in the next preceding subdivision (1).

(3) That the resolution or resolutions authorizing such issue of bonds in all respects conforms or conform with the provisions of this chapter.

(4) That the indebtedness to be evidenced by such issue of bonds, together with all other indebtedness of the district, pertaining to the electric system for or on account of which such bonds are to be issued, is within every debt or other limit prescribed by the Constitution and statutes of the State of California.

(5) That upon the issuance of such bonds any and all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the issuance thereof, will exist, will have happened and will have been performed, in due time, form and manner, as required by the Constitution and statutes of the State of California.

Other findings

13162. The board may also, by resolution, find and determine any other facts relevant to the legality of the issue.

Recital of conditions

13163. The board, by resolution adopted in connection with any issue of bonds pursuant to this chapter, may direct that there shall be included in each of the bonds of that issue a certification and recital that any and all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the incurring of the indebtedness evidenced by that bond, and in the issuing of said bond, exist, have happened and have been performed in due time, form and manner, as required by the Constitution and statutes of the State of California, and that said bond, together with all other indebtedness of the district pertaining to the electric system for or on account of which the indebtedness evidenced by said bond was incurred, is within every debt and other limit prescribed by the Constitution and statutes of the State of California.

Board determinations as evidence

13164. From and after the issuance of any issue of bonds the findings and determinations of the board respecting that issue made pursuant to this article shall be conclusive evidence of the existence of the facts so found and determined in any action or proceeding in any court in which the validity of such bonds is at issue, and no bona fide purchaser of any such bond containing the certification and recital permitted by this article shall be required to see to the existence of any fact, or to the performance of any condition, or the taking of any proceeding, required prior to such issue, or to the application of the purchase price paid for such bonds.

Issue effective

13165. Bonds shall be deemed to be issued, within the meaning of this article whenever the definitive bonds, or any temporary bonds or interim receipts exchangeable therefor, have been delivered to the purchasers thereof, and the purchase price thereof received, or in the case of bonds to be refunded through exchange, whenever such exchange has been made.

Validity

13166. The validity of bonds reciting that they have been issued pursuant to this chapter shall not be affected by any provision or limitation contained in any other section or sections of this division. All bonds issued under this chapter shall be incontestable from and after the time of payment to the district of the purchase price thereof.

Article 11. Proceeds

Interest

13171. All sums received as accrued interest on the sale of any issue of bonds issued pursuant to this chapter shall be applied to the payment of interest on or principal of bonds of that issue.

Principal

13172. All sums received as principal and premiums on the sale of any issue of bonds shall be applied to the purposes for which such bonds were issued. The board may provide in the resolution authorizing the issue of any bonds under this chapter that any portion of the proceeds of sale of the bonds may be applied to payment of interest during construction for a period of not to exceed three years from and after the date of such bonds.

Separate funds

13173. The board may from time to time establish and maintain a separate fund or funds in the district treasury for the purpose of insuring the application of such proceeds received as principal on the sale of any issue of bonds to the purposes for which the same were issued.

Limited purposes

13174. Money set aside and placed in any such separate fund shall remain therein until from time to time expended for the purposes for which such bonds were issued, including the reimbursement of other funds of the district for expenditures therefrom for purposes for which such bonds were issued, made after such issuance was authorized, and shall not be used for any other purpose whatsoever, except for temporary investment thereof as provided in this division; provided, however, that money may be paid or transferred from any such separate fund, in furtherance of the purpose of its establishment, to any other such separate fund established for a like purpose in connection with the same issue of bonds.

Withdrawal

13175. Money in any such separate fund shall be drawn therefrom only upon demands authenticated by the signature of the accountant of the district.

Action if bond purpose found impracticable

13176. If the board shall determine by resolution that the expenditure of the whole or any portion of the said principal sum of any issue of bonds for the purpose for which such bonds were issued is impracticable or unwise, the board may—

(1) Apply such money or any part thereof to the purchase of bonds of that issue, or to the payment of any such bonds, at maturity or on redemption, or to the payment of interest thereon or of premiums due on the redemption thereof; or

(2) Apply such money or any part thereof to any new purpose which is within the purposes for which bonds might be issued under the terms of this chapter; provided, however, that before applying any of such money to such new purpose the board shall adopt a resolution specifying such new purpose, the amount of such money to be applied thereto, and authorizing such application, which resolution shall be subject to the same procedures, and take final effect only in the same manner, as if it were a resolution adopted pursuant to Section 13091, authorizing the issuance of bonds for such new purpose, and such resolution authorizing such application to such new purpose, when it shall have taken final effect under such procedures, shall be sufficient authority for the application of such money to such new purpose.

Surplus proceeds

13177. If any excess of the principal sum of the proceeds of any issue of bonds shall remain unexpended after the full accomplishment of the purpose for which such bonds were issued the board, by resolution, may direct that the same shall be applied to the purchase of bonds of that issue, or to the payment of any such bonds, at maturity or on redemption, or to the payment of interest thereon or of premiums due on the redemption thereof, or that it shall be transferred to the revenues pertaining to the electric system in connection with which such bonds were issued.

Article 12. Short Term Borrowing

Borrowing

13181. A district may also have the power to borrow money from time to time for any or all of the purposes specified in this chapter, and to issue and sell notes, or other evidences, to evidence the indebtedness created by such borrowing, by resolution subject to referendum as provided in Section 13103, whenever they shall find and determine that the public interest and necessity require the exercise of that power.

Maturity, etc., of notes

13182. All notes or other evidences of indebtedness issued under the authority of this article shall contain upon their face a recital that they are so issued and shall be payable in not to exceed three years from their date

Limitation on indebtedness

13183. No amount shall be borrowed under the authority of this article which when added to the amount of all other notes or other evidences of indebtedness issued under this article and then outstanding shall exceed 50 percent of the gross operating revenues from the works on account of which it is borrowed during the preceding fiscal year.

Applicability of article

13184. All of the provisions of this chapter not inconsistent with the terms of this article, and not by their terms made inapplicable thereto, shall apply to all notes, or other evidences, issued under the authority of this article.

Article 13. Investments

Investment of reserve funds, etc.

13191. Pending use for the purposes for which any reserve fund or special trust account or any other separate fund established pursuant to this chapter was so established, money set aside and placed therein may, when and to such extent and in such manner as may be directed by the said board and as may be consistent with the provisions of any resolutions of the board constituting a part of the proceedings for the issuance of the issue of bonds in connection with which such fund or account was created, be invested in the same manner as are other moneys of the district. Any such bonds or other evidences of indebtedness acquired through such investment may be resold at any time.

Same

13192. Any bonds or other securities so purchased shall constitute a part of such reserve fund, separate fund or special trust account, and any interest or any increment received by reason of such investment and the proceeds of any such resale shall be placed in, and constitute a part of, such fund or account.

Certification

13193. Bonds issued under this chapter may be presented to the California Districts Securities Commission for certification under Division 10 of the Water Code in like manner and with the same legal effect as in the case of revenue bonds issued by irrigation districts.

CHAPTER 2238

An act to add Chapter 13 (commencing at Section 3375) to Part 1 of Division 6 of the Harbors and Navigation Code, to provide for the issuance and sale of state bonds to create a fund for the use of the San Francisco Port Authority in improving that harbor and its facilities, including the wharves, piers, seawalls, railroad, spurs, appurtenances thereto, and any necessary dredging and filling in connection therewith; to create a sinking fund for the payment of the bonds; to define the duties of state officers in relation thereto; and to make an appropriation for the expense of printing the bonds.

In effect September 11, 1957

[Approved by Governor July 6, 1957. Filed with Secretary of State July 13, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 13 (commencing at Section 3375) is added to Part 1 of Division 6 of the Harbors and Navigation Code, to read:

CHAPTER 13. SAN FRANCISCO PORT BOND LAW OF 1958

Short title

3375. This chapter may be cited as the San Francisco Port Bond Law of 1958.

Definitions

3376. As used in this chapter the following words shall have the following meanings:

(a) "Committee" means the San Francisco Harbor Bond Finance Board, created by Section 3302.

(b) "Authority" means the San Francisco Port Authority, as the same is constituted by Part 1 of Division 6 of the Harbors and Navigation Code, or any successor thereof.

(c) "Fund" means the Fifth San Francisco Seawall Fund, which fund is hereby created in the State Treasury.

(d) "San Francisco Harbor Improvement Fund" means the fund now existing in the State Treasury and created by Section 1706.

(e) "Available moneys" in the San Francisco Harbor Improvement Fund means any moneys in the San Francisco Harbor Improvement Fund other than the amounts required by law to be otherwise applied to some special or particular purpose.

Authorization for bonds

3377. For the purpose of creating a fund herein called the Fifth San Francisco Seawall Fund to provide for the improvement of San Francisco Harbor and its facilities, including wharves, piers, seawalls, railroads, spurs, streets, and appurtenances to any of the foregoing, and personal or real property used in connection therewith, and any necessary dredging and filling in connection therewith by the authority and to redeem bonds authorized prior to the enactment of this chapter and outstanding, 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 fifty million dollars ($50,000,000) in the manner and to the extent provided herein or otherwise provided by law. The authorization to issue bonds as herein set forth shall be a continuing authorization until all of said bonds shall have been issued and sold; provided, that no bonds shall be issued or sold pursuant to this chapter subsequent to July 1, 1999.

Powers, etc.

3378. The authority is hereby authorized and empowered to make improvements or purchases specified in Section 3377 and to expend from the Fifth San Francisco Seawall Fund created by this chapter, in the manner authorized by law, any and all funds therein, derived from the sale of bonds as provided in this chapter.

Bond issue resolution

3379. Whenever the authority determines by resolution that a bond issue under this chapter is necessary or desirable in order to make any of the expenditures authorized by this chapter, and so certifies to the committee, then the said committee shall approve or disapprove said resolution, and if it approves said resolution, the committee shall adopt a resolution authorizing and directing the State Treasurer to arrange for the preparation of the requisite number of suitable bonds and shall specify as to such bonds then to be sold:

Aggregate amount

(a) The aggregate number, aggregate par value, denominations and the date of the bonds to be then sold. The bonds may

be issued in series or divisions of the total authorized issue. Such denominations shall be in the sum of one thousand dollars ($1,000), or multiples thereof. The date appearing on the bonds or series or division shall be deemed to be the date of issuance of such series or division for all purposes of this chapter, irrespective of the actual date of delivery of such bonds of such series or division and the payment of the purchase price thereof.

Maturity dates

(b) The dates of maturity, and the amount and numerical sequence of the bonds maturing at each date of maturity, which amounts need not be equal, but which dates shall be at annual or semiannual intervals, and the first of which dates of maturity shall be not more than five years, and the last of which dates of maturity shall be not more than 50 years, after the date of the bonds or any series or division thereof.

Redemption

(c) Whether or not the bonds are to be subject to redemption at the option of the authority prior to maturity, and, if so, the provisions for such redemption, the manner of the call thereof, and the price or prices at which the bonds shall be subject to redemption.

Interest

(d) The annual rate, or rates, of interest which the bonds to be issued shall bear, which rate, or rates, at the discretion of the committee, may be determined by the bidder at the time of sale of said bonds, not to exceed 6 percent per annum. Such interest may be payable at such periods as may be fixed by the committee.

Form

(e) The technical form and language of the bonds and interest coupons.

Interim bonds

(f) Whether or not the right is reserved to make delivery in the form of temporary or interim bonds, certificates, or receipts, exchangeable for definitive bonds when executed and available for delivery, and if such right is reserved the denominations and form of such temporary securities.

Registration, etc.

(g) Whether or not the bonds are to be subject to registration, the denominations of registered bonds and the provisions, if any, 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 form and all of the terms and conditions of such registration and of such exchange. If such registration is provided for, all of the provisions of this chapter with reference to the payment of bonds and interest coupons shall be subject to the terms and conditions of such registration with respect to the payment of registered bonds and the interest thereon.

Other terms

(h) All other terms and conditions of the bonds and of the execution, issuance and sale thereof, which shall be consistent with all of the provisions of this chapter.

Sale

(i) 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.

Signatures

3380. All bonds issued under this chapter shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer by facsimile signature and the bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of the adoption of the resolution of the committee, and each of the bonds shall bear a facsimile of the Great Seal of the State of California. Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer who shall be in office on the date of the adoption of the resolution of the committee. The bonds and coupons so signed, countersigned, endorsed and sealed, when sold and delivered, shall be and constitute a valid and binding obligation upon the State of California, although the sale or delivery thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed the bonds, or any or either of such officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing such bonds. Each bond issued under this chapter shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to the resolution of the San Francisco Harbor Bond Finance Board, by virtue of which the bond is issued.

Cessation of interest accrual

Obligation of State

3381. 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 any available moneys in the San Francisco Harbor Improvement Fund, or if such moneys are insufficient, then from the General Fund of the State of California, such sum annually as will be necessary to pay the principal of and interest on the bonds issued and sold pursuant to the provisions of this chapter, as such principal and interest become due and payable. Any sums withdrawn from the General Fund for the payment of principal of or interest on the bonds shall be returned to the General Fund as soon as moneys are available for that purpose in the San Francisco Harbor Improvement Fund, together with interest thereon at the same rate as, at the time of appropriation, is earned by short term current investments through the pooled money investment account, such earnings to be determined by the Controller.

Appropriation

Collection of revenues and other sums

The authority shall collect in the same manner and at the same time as other harbor revenue is collected, such sum, in addition to the ordinary revenues of the harbor, 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 revenues, to do and perform each and every act which shall be necessary to collect such additional sum.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Fixing of maturity dates

3382. In determining the dates of maturity of the bonds, and the amount thereof to mature at each date of maturity, the committee shall be guided, so far as it may deem to be practicable, by the amounts of the revenue estimated to accrue to the San Francisco Harbor Improvement Fund. The committee shall fix and determine the dates and amounts of such maturities in such manner that, together with the dates and amounts of interest payments on the bonds, they shall coincide, as nearly as it may deem to be practicable, with the dates and amounts of such estimated revenue.

Interest rate

3383. The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue, series or division and shall be the rate or rates fixed and determined by the committee in a resolution adopted prior to the sale of the bonds or as specified in the bid accepted by the State Treasurer if the bonds are sold on the basis of the bidder naming the interest rate or rates, in which event the State Treasurer shall fix such rate or rates in conformity with the bid of the successful bidder.

Tender

3384. Both principal of and interest on the bonds shall be payable in lawful money of the United States, at the Office of the State Treasurer, or at the office of any duly authorized fiscal agent of the State.

Recitals in bonds

3385. Each bond shall contain a reference to this chapter, and if subject to call or redemption prior to maturity, a recital to that effect.

Bids; Sale

3386. The bonds authorized to be issued under this chapter shall be sold by the State Treasurer to the highest bidder for cash, either at public auction or upon sealed bids as the committee may by resolution determine. Highest bidder shall be the bidder whose bid will result in the lowest net interest cost on account of said bonds. If the State Treasurer determines that the bids received are not satisfactory as to price or responsibility of the bidders, the State Treasurer may reject all bids received. The Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, at such time and place as he may select. If the bonds are offered for sale upon sealed bids, then each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for one-half of one percent (0.5%) of the par value of the bonds so offered for sale, but not exceeding one hundred thousand dollars ($100,000), drawn on a bank

or trust company authorized to transact and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the nonacceptance of his bid, and the deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the State Treasury to the credit of the Fifth San Francisco Seawall Fund and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to the bonds or by reason of such bid, or to the recovery of the deposit accompanying the bid, or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Interim bonds

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by facsimile or signature stamp.

Notice of sale

3387. 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 and also by publication in one newspaper published in the City of Sacramento and by publication in one newspaper published in the City of Los Angeles once a week during two weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable. The proceeds of the sale of such bonds, other than such amount as may have been paid as premium or accrued interest thereon, shall be forthwith paid over by the State Treasurer into the fund to be used exclusively for the purposes set forth in this chapter; provided, that the proceeds from the sale of the bonds may be used to pay the expense created by the issuance and sale thereof. Any premium and accrued interest received on the sale of the bonds shall be deposited in the Fifth San Francisco Seawall Sinking Fund.

Investment of surplus

3388. The authority is authorized with the approval of the Department of Finance, to invest any surplus moneys in the fund in bonds or other obligations of the United States, or of the several counties, municipalities, school districts, or other public agencies of the State of California, and to sell such bonds or obligations, or any of them, at the governing market rates, upon approval of the Department of Finance;

or the authority may, with the approval of the Director of Finance, invest money in such fund, in interest-bearing certificates of deposit of state banks having a paid-up capital of five hundred thousand dollars ($500,000) or more; provided, the total amount of money so deposited with any one bank shall not exceed a sum equal to 50 percent of the paid-up capital of such bank; provided, however, nothing herein contained shall inhibit the depositing in banks in accordance with Chapter 4 (commencing at Section 16500), Part 2, Division 4, Title 2 of the Government Code, of money of any of the funds subject to the control of the authority or appropriated for their use.

Interest

Interest accruing upon the deposit of money of the fund shall be paid into and credited to the San Francisco Harbor Improvement Fund.

Refunding bonds

3389. The authority, subject to the approval of the San Francisco Harbor Bond Finance Board, may provide for the issuance, sale or exchange of refunding bonds out of the bonds issued under this chapter for the purpose of redeeming or retiring any bond issued by the authority if, under the terms of that issue, the bonds issued thereunder may be redeemed or retired. Any bonds issued hereunder may be redeemed or retired if the resolution under which the bonds are issued so permits.

Sinking fund

3390. For the payment of the principal and interest of the bonds a sinking fund, to be known and designated as the "Fifth San Francisco Seawall Sinking Fund," shall be, and the same is hereby created in the State Treasury, as follows: The State Treasurer, at the end of five years from the date of issuance of each issue of bonds of any series or division provided for in this chapter, shall, on the first day of the month and on the first day of each month thereafter, until date of maturity of the issue of bonds, take from any available moneys in the San Francisco Harbor Improvement Fund, such sum as multiplied by the total number of months, less 60, between the date of issuance and date of maturity of such bonds, will equal the principal of all the bonds of such issue; and he shall place the sum in the "Fifth San Francisco Seawall Sinking Fund." The State Treasurer shall on Controller's warrants duly drawn for that purpose, invest the moneys in the sinking fund in the purchase of the bonds of the United States, or of the State of California, including any bonds authorized, issued and theretofore sold under authority of this chapter or of the several counties, municipalities, school districts, or other public agencies of the State of California, which bonds shall be kept in a proper receptacle, appropriately labeled; but he shall always keep on hand a sufficient amount of money in the sinking fund with which to pay the principal and interest on such of the state bonds as the same become due. The State Treasurer may only purchase such bonds authorized and issued under authority of this chapter with moneys in the sinking fund as have been theretofore sold. To provide means for the payment

of interest on the bonds that may be sold and outstanding, the Treasurer shall monthly take from the San Francisco Harbor Improvement Fund, and pay into the Fifth San Francisco Seawall Sinking Fund, an amount equal to one month's interest upon all bonds then sold, delivered, and outstanding.

Interest accruing upon investment made from moneys in the Fifth San Francisco Seawall Sinking Fund shall be deposited in the Fifth San Francisco Seawall Sinking Fund unless otherwise required under any resolution providing for the issuance of revenue bonds to be credited to the San Francisco Harbor Improvement Fund. Interest

3391. Whenever the committee deems that it will increase the salability or the price of the bonds to obtain, prior to or after sale, a legal opinion, other than that of the Attorney General, as to the validity of the bonds, the committee may authorize the State Treasurer or the Department of Finance, or both, to obtain such a legal opinion. Payment for such legal services shall be made from the proceeds of the sale of the bonds, or any other funds available to the authority. Legal opinion

3392. The State Treasurer directly or through a state fiscal agent, or agents, shall, on the respective dates of maturity of all bonds, or on the date fixed for the prior redemption of any thereof which may be duly called for redemption, and on the respective due dates of all coupons pertaining to any of said bonds, other than coupons canceled because of the redemption of any of said bonds prior to maturity, or as soon thereafter as said bonds or coupons respectively are surrendered to him, or to such state fiscal agent, or agents, pay the same. Payment

3393. Upon the payment of any such bond or coupon, the State Treasurer, or such state fiscal agent, or agents, shall perforate the same with a suitable device in a manner to indicate such payment and a record of such payment shall be made thereof. The State Treasurer, or such state fiscal agent, or agents, shall also on the respective dates of maturity of any such bonds which have been executed but which remain unsold, cancel the same by perforation with a suitable device in a manner to indicate such cancellation and the date thereof, and on the respective due dates of all coupons attached to any such bond remaining unsold, shall detach all such coupons the due date of which has been reached, and cancel them in the same manner as provided for the cancellation of bonds remaining unsold. After proceedings set forth in Section 3379 new bonds conforming to the directions of the committee may be prepared and executed in lieu of any bonds so canceled, and may be sold and issued in the same manner as provided for other bonds in this chapter. Cancellation

3394. The State Treasurer, or such state fiscal agent, or agents, with the approval of the State Treasurer, may destroy or cremate any or all bonds and any or all coupons pertaining thereto which have been previously paid or canceled as pro- Destruction

vided herein in accordance with the provisions of Government Code Section 16772.

Warrants

3395. It shall be the duty of the State Treasurer to pay the interest of said bonds, when the same falls due, out of the moneys provided for in this chapter, on Controller's warrants duly drawn for that purpose.

Maturity: Call

3396. All bonds issued under this chapter and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same upon Controller's warrants duly drawn for that purpose. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this chapter to be issued. All money remaining in the Fifth San Francisco Seawall Sinking Fund, after the principal of and interest upon all bonds issued under the provisions of this chapter have been paid in full and after all such bonds and the interest coupons therefrom have all been canceled, shall be paid into the San Francisco Harbor Improvement Fund to be expended in accordance with law.

Redemption

3397. Whenever the authority shall determine that any bonds then outstanding, and which by their terms are subject to redemption prior to maturity, should be redeemed, and that money sufficient for such redemption will be available at the time proposed for such redemption, it may, by resolution approved by the committee, direct the State Treasurer to call and redeem any such bonds, at a time specified in such resolution, and the State Treasurer shall thereupon give notice of such proposed redemption and redeem the bonds in accordance with the provisions for redemption provided for in the resolution of the authority adopted under Section 3379 pursuant to which the bonds were issued.

Accounts and records

3398. The State Controller and the State Treasurer shall keep full and particular account and record of all their proceedings under this chapter, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this chapter shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

Operative date

SEC. 2. This act shall take effect upon its adoption by the people as to all its provisions except those relating to and necessary for its submission to the people, and for returning and canvassing the votes, and as to said excepted provisions this act shall take effect on the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature.

Bond election

SEC. 3. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1958, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the San Francisco Port Bond Law of 1958," and in the same square under said words the following in eight-point type: "This act provides for a bond issue of $50,000,000 to be used by the San Francisco Port Authority for improvement of San Francisco Harbor." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the San Francisco Port Bond Law of 1958," and in the same square immediately below said words in eight-point type shall be printed: "This act provides for a bond issue of $50,000,000 to be used by the San Francisco Port Authority for improvement of San Francisco Harbor." Opposite the words "For the San Francisco Port Bond Law of 1958" and "Against the San Francisco Port Bond Law of 1958" there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act, and those voting for the act shall do so by placing a cross opposite the words, "For the San Francisco Port Bond Law of 1958" and those voting against the act shall do so by placing a cross opposite the words "Against the San Francisco Port Bond Law of 1958." Provided, that where the voting of the general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section.

Majority

SEC. 4. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that the act shall have received a majority of all the votes cast for and against it at the election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Ballot pamphlet

SEC. 5. It shall be the duty of the Secretary of State to provide for a ballot pamphlet, including the submission of this act, in accordance with the provisions of Section 1 of Article XVI of the California Constitution.

CHAPTER 2239

An act to amend Section 5285 of the Public Utilities Code, relating to regulation by the Public Utilities Commission of household goods carriers and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 13, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 5285 of the Public Utilities Code is amended to read:

Permit Revocation, etc

5285. The permit of any household goods carrier may, upon application of the holder thereof, be amended or revoked in whole or in part or may, upon complaint or on the commission's own initiative, after notice and hearing, be suspended, changed or revoked, in whole or in part, for wilful failure to comply with any provision of this chapter or with any lawful order, rule or regulation of the commission promulgated thereunder or with any term, condition, or limitation of such permit. The permit of a household goods carrier shall not be revoked or suspended unless the holder thereof wilfully fails to comply within a reasonable time, not less than 30 days, to be fixed by the commission, with a lawful order of the commission, commanding obedience to the provision of this chapter, or to the rule or regulation of the commission thereunder, or to the term, condition, or limitation of such permit, found by the commission to have been violated by such holder. The right to operate under any household goods carrier permit may be suspended by the commission upon reasonable notice of not less than 15 days to the holder without hearing or other proceedings, for failure to comply, and until compliance, with the provisions of Section 5161 or with any lawful order, rule or regulation of the commission promulgated thereunder.

Appropriation

SEC. 2. There is hereby appropriated from the General Fund fifty thousand dollars ($50,000) for support of the Public Utilities Commission in augmentation of Item 249 of the Budget Act of 1957.

CHAPTER 2240

An act to add Chapter 7b (commencing at Section 1095) to Division 5 of the Agricultural Code, relating to agriculture.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7b (commencing at Section 1095) is added to Division 5 of the Agricultural Code, to read:

CHAPTER 7B. LIVESTOCK REMEDIES

Article 1. Definitions and General Provisions

Definitions

1095. The provisions of this article govern the construction of this chapter unless a contrary intention clearly appears.

1095.1. "Livestock" includes all animals and poultry raised, kept, or used for profit and does not include those species usually kept as pets, such as dogs, cats, and pet birds.

1095.2. "Drug" means any substance intended for use in the diagnosis, cure, mitigation, prevention, or treatment of disease, and any substance, other than food and water, intended to affect the structure or function of the body of any livestock.

1095.3. "Livestock remedy" means all drugs, combinations of drugs, proprietary medicines, and combinations of drugs and other ingredients which are prepared for administration to livestock orally, hypodermically, or otherwise.

1095.4. "Label" includes written and graphic matter imprinted upon, or upon paper or other material affixed to or accompanying a container of a livestock remedy.

1095.5. "Hazardous remedy" means any livestock remedy which is sold in such form that it might be administered to humans, or any livestock remedy which, when improperly administered, may be dangerous to the health of livestock or to humans who consume products from such livestock, and includes the following:

(a) Arsenic compounds and preparations;

(b) Diethylstilbestrol and other substances having a hormone-like action;

(c) Sulfanilamide or substitute sulfanilamides, except preparations for topical application;

(d) Antibiotic preparations, excepting those for topical application;

(e) Such other drugs and their preparations as the director may determine to be hazardous to the health of livestock or the public safety.

1095.6. "Manufacturer" includes any person responsible for the placing of a livestock remedy on the market in this State.

1095.7. "Retailer" means any person who sells livestock remedies at retail.

Exemptions

1095.8. Nothing in this chapter applies to any of the following:

(a) Any livestock remedy sold exclusively to and used exclusively by or under the direction of a licensed veterinarian, nor to any livestock remedy compounded by a registered pharmacist upon the prescription of a licensed veterinarian;

(b) Any drug or other preparation dispensed or compounded by a registered pharmacist at the request of the purchaser when such drug or preparation is sold at retail;

(c) Any commercial feeding stuffs which are subject to the provisions of Chapter 7a (commencing at Section 1081) of Division 5 of this code, irrespective of the presence in such commercial feedings stuffs of any ingredients which otherwise would constitute a livestock remedy;

(d) Any livestock remedy intended for and used solely for laboratory or experimental purposes;

(e) Any substance intended for and used primarily as a pesticide and registered as an economic poison under Article 3 (commencing at Section 1061), Chapter 7, Division 5 of this Code;

(f) Any biological product manufactured under a license issued by the United States Department of Agriculture, or the State Department of Public Health;

(g) Any drug required by federal law to be sold on prescription only.

Operative date

1095 9. The provisions of this chapter shall become fully operative on January 1, 1958, but the director may, prior to that date, receive and process applications for registration or licenses and take such other administrative action as he may deem necessary or advisable to facilitate the operation of this chapter after it becomes fully operative.

Precedence

1095 10. The provisions of this chapter shall be controlling over those of any other provisions of law in conflict herewith; and no act or thing authorized or permitted by this chapter shall be in violation of any other provisions of law.

Article 2. Registration of Livestock Remedies

Sales of livestock remedy

1096 No person shall sell any livestock remedy in this State which is not registered pursuant to this chapter. The manufacturer of any livestock remedy shall apply to the director for registration of the livestock remedy. The application shall be in a form supplied by the director.

Application for registration

1096 1. The application shall show all of the following:

(a) The name and address of the principal place of business of the applicant;

(b) The name, brand, or trade-mark under which the livestock remedy is to be sold;

(c) The minimum net contents of each size and type of container in which the livestock remedy is to be sold at retail;

(d) The name of each active drug ingredient and the quantity or proportion of each such ingredient;

(e) A statement of the purpose or purposes for which the livestock remedy is to be used;

(f) A statement of the form in which the livestock remedy is to be administered, the method of administration, and, if the method of administration involves the use of any special device supplied with such remedy, a description of such device;

(g) A statement of the amount and frequency of the dosage to be recommended;

(h) Such other information and data as the director may require.

Label Copy

1096.2. The application shall also contain a detailed description, or be accompanied by a copy, of the label of each type and size of container in which the livestock remedy is to be sold at retail.

Same Contents

1096.3. The label shall contain all of the following:

(a) The name, brand, or trade-mark of the livestock remedy;

(b) The name and principal address of the applicant;

(c) The minimum net contents of the container;

(d) A statement of the disease or ailments of livestock which it is claimed that the livestock remedy will alleviate or cure;

(e) Adequate instructions as to use and administration and adequate warnings against improper use and administration of the livestock remedy;

(f) The name of each active drug ingredient;

(g) The words "livestock remedy—not for human use," in large bold-face type in a conspicuous place;

(h) If the livestock remedy is a hazardous remedy, the words "hazardous remedy" in conspicuous letters.

Instructions for use

1096.4. If it is proposed that any instructions for use, other than those on the label, shall accompany containers of the livestock remedy when sold at retail, a copy of such instructions shall accompany the application for registration of such remedy.

Registration Denial

1096.5. The director shall examine and consider the application together with all material, data and information accompanying it. The director shall refuse to register a livestock remedy if he finds any of the following to be true of the remedy:

(a) It is of little or no value for the purpose for which it is intended to be used;

(b) It is dangerous to the health of livestock when used in accordance with instruction;

(c) The instructions for use do not contain adequate warnings against use in those conditions, whether pathological or normal, under which its use may be dangerous to the health of livestock, or against unsafe dosage, unsafe duration of use, or unsafe methods of administration;

(d) If the application and the accompanying material, data, and information do not comply with the requirements of this chapter or are insufficient to permit the director to make the determinations required by this section.

Hazardous remedy

1096.6. In the case of a hazardous remedy, the director shall also refuse registration if he finds that the instructions for use do not contain adequate and satisfactory directions as to the methods of handling, caring for, holding or otherwise managing the animal or bird to which the remedy is administered so as to eliminate any danger to the health of any person who might consume food products derived from such animal or bird.

Registration includes

1096 7. The registration of a livestock remedy includes the registration of the remedy and its ingredients, the registration of the label, the registration of the instructions for use, and the registration of the special device, if any, for the administration of such remedy.

Fee

1096.8. The fee for the registration of a livestock remedy shall be twenty-five dollars ($25) and shall accompany the application for registration. The fee is not refundable if the registration is refused. If registration is granted, the original fee covers the registration for the remainder of the then current calendar year in which registration is granted. The fee for the renewal of registration is fifteen dollars ($15) per year, payable on or before January 31st of each year, and, if not so paid, a penalty of five dollars ($5) shall be added to such fee.

Article 3. Retailing of Hazardous Remedies

License for hazardous remedies

1097. No person shall sell any hazardous remedy in this State at retail unless he holds a license to do so issued pursuant to this chapter.

Application

1097 1. Any person may file with the director an application for a license under this chapter. The application shall be on a form supplied by the director and shall contain such information as he may require.

Fee, etc

1097.2. The application shall be accompanied by an application fee of fifteen dollars ($15). The fee is not refundable if the license is refused. If the license is issued the application fee covers the license for the remainder of the current calendar year in which it is issued. The fee for the renewal of a license is fifteen dollars ($15) per year, payable on or before January 31st of each year, and, if not so paid, a penalty of five dollars ($5) shall be added to such fee.

Separate licenses

1097.3. A separate license shall be required for each place of business at which hazardous remedies are kept for sale, and for each mobile unit in which such remedies are kept for sale.

Examination of facilities

1097.4. The director may make an examination of the facilities available to the applicant for the proper handling and storing of hazardous remedies and may limit the kinds or classes of such remedies that may be sold under a license to those which the applicant is equipped properly to handle and store

Records

1097.5. Each holder of a license under this chapter shall keep a record, in the manner and form prescribed by the director, of each sale of a hazardous remedy by the licensee. Such record shall include a statement of the kind and quantity of the hazardous remedy sold, the date of sale, the address of the purchaser, and the signature of the purchaser.

Article 4. Administrative Provisions

Regulations

1098. The director shall enforce the provisions of this chapter and may make and enforce such rules and regulations

relating to the manufacture and sale of livestock remedies as he may deem necessary to carry out this chapter

Quarantine

1098.1. The director may quarantine and remove from sale any livestock remedy which is not registered in accordance with this chapter or any livestock remedy which does not conform in all respects with its registration.

Access to premises, samples, etc

1098.2. The director shall have access at all reasonable hours to all premises used in the manufacture, sale or storage of any livestock remedy and may take samples and make such other investigations as are necessary to carry out the provisions of this chapter and the rules and regulations made pursuant to this chapter

Tolerances

1098.3. The director may revoke the registration of any livestock remedy if he finds, from representative samples, that the remedy as offered for sale fails to conform to its registration. The director may allow reasonable tolerances within which such samples may vary from such registration.

Revocation of license

1098.4. The director shall revoke a hazardous remedy license if he finds that the holder thereof has failed to keep the required record of sales of such remedies, or if such remedies are not being properly handled or stored

Funds

1098.5. All money received under the provisions of this chapter shall be paid into the Department of Agriculture Fund. Any money in the Department of Agriculture Fund derived under the provisions of Chapter 7a, (commencing at Section 1081), and Chapter 7b, (commencing at Section 1095), of Division 5 of this code may be expended for the administration and enforcement of any of the provisions of such chapters, notwithstanding any other provision limiting the expenditure of any such money to the specific purposes or to the administration or enforcement of each of such chapters separately.

Article 5. Offenses

Offenses Non-registration

1099. It is unlawful to sell any livestock remedy which is subject to the provisions of this chapter unless the remedy is registered in accordance with this chapter.

Non-compliance

1099.1. It is unlawful for any registrant to sell any livestock remedy which does not conform with its registration.

Use for human being

1099.2. It is unlawful to administer any registered livestock remedy to any human being.

Sale without license

1099.3. It is unlawful to sell any hazardous remedy without a license as provided in this chapter.

Noncompliance with instructions

1099.4. It is unlawful to use or administer any registered hazardous remedy except in accordance with the instructions for use supplied by the registrant.

Purchasers' signatures

1099.5. It is unlawful for the holder of a hazardous remedy license to sell a hazardous remedy without requiring the purchaser thereof to sign his name and write his address in the record of such sales.

Refusal of inspection

1099.6. It is unlawful to refuse to permit the entry into and inspection of any premises wherein livestock remedies are

manufactured or sold for the taking of samples of such remedies.

Container

1099.7. It is unlawful to sell any livestock remedy except in the container in which it is packaged by the manufacturer, or to sell any such remedy unless its package bears the label of the manufacturer.

Misrepresentations

1099.8. It is unlawful to make any false or misleading representations relating to any livestock remedy, whether such representations are communicated orally, graphically, pictorially, or otherwise.

Violation Misdemeanor

1099.9. The violations of any provision of this chapter or of any rule or regulation of the director promulgated under this chapter is a misdemeanor.

CHAPTER 2241

An act to repeal and add Chapter 18 (commencing at Section 5000) of Division 6 of the Agricultural Code, relating to cattle, beef, and beef products, including programs for stimulating the use of beef and beef products, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Chapter 18 (commencing with Section 5000) of Division 6 of the Agricultural Code is repealed.

SEC. 2. Chapter 18 (commencing with Section 5000) of Division 6 is added to said code, to read:

CHAPTER 18. CALIFORNIA BEEF COUNCIL

Article 1. Short Title

Short title

5000. This chapter shall be known and may be cited as the "California Beef Council Law."

Article 2. Declaration of Policy

Policy

5025. It is hereby declared, as a matter of legislative determination, that the provisions of this chapter are enacted in the exercise of the power of this State for the purposes of protecting and furthering the public health and welfare. It is further declared that the cattle industry of this State is affected with a public interest, in that, among other things,

(a) The production, processing, manufacture, and distribution of beef and beef products constitute a paramount industry of this State which not only provides substantial and required revenues for the State and its political subdivisions, and employment and a means of livelihood for many

thousands of its population, but also furnishes essential foods that are vital to the public health and welfare.

(b) The stabilization, maintenance, and expansion of the cattle industry of California, and of the state, nationwide, and foreign markets for its products are necessary to assure the consuming public an adequate supply of foods which are indispensable in a proper human diet, to protect, for the State and its political subdivisions, a necessary source of tax revenue, to provide and maintain an adequate standard of living for a great segment of the population of this State, to maintain proper wage scales for those engaged in the cattle industry, and to maintain existing employment.

(c) The essentiality of beef and beef products in a proper human nutrition and to the maintenance of a high level of public health is such as to require that the public be made thoroughly aware thereof, and be protected against misrepresentation and deception, by the dissemination of accurate and scientific information relative to the healthful qualities of beef and beef products, their various classifications and the food values and industrial and medicinal uses thereof, the methods, care and precautions necessary to their proper production, processing, manufacture, and distribution, and the necessary costs and expenses thereof, and the necessity and desirability on the part of the public of using and consuming beef and beef products of the highest standards of quality.

Purpose

5026. The purposes of this chapter are:

(a) To enable the cattle industry with the aid of the State, to develop, maintain, and expand the state, nationwide, and foreign markets for beef and beef products produced, processed, or manufactured in this State, and the use and consumption of such beef and beef products therein.

(b) In aid, but not in limitation, of the purpose in subdivision (a), to authorize and enable the director to formulate and effectuate, directly or in cooperation with other agencies and instrumentalities hereinafter specified, sales stimulation and consumer, or other, educational programs designed to increase the use and consumption of beef and beef products.

(c) To provide funds for the administration and enforcement of this chapter by voluntary contributions to be collected in the manner prescribed in this chapter.

Article 3. Definitions

Definitions

5050. The definitions in this article govern the construction of this chapter, unless otherwise apparent from the context.

5051. "Council" means the California Beef Council.

5052. "Person" means an individual, corporation, partnership, trust, association, cooperative association, and any other business unit or organization.

5053. "Producer" means any person who raises, breeds, feeds, or grows cattle or calves for dairy production or for beef production.

5054. "Beef" includes veal, and "beef products" includes veal products.

Article 4. Administration

Director

5075. The director shall administer and enforce the provisions of this chapter, and may exercise any of the administrative powers conferred by Sections 11180 to 11191, inclusive, of the Government Code upon a head of a department. In order to effectuate the declared purposes of this chapter, the director may contract and be contracted with to carry out the declared intent and purposes of this chapter.

Council members

5076. There is hereby established the California Beef Council which consists of 19 members and 19 alternates, all of whom shall be citizens and residents of this State and producers.

Appointment

The director shall appoint to the council producers nominated as hereinafter provided for, giving due regard to proper and equitable representation of all segments of the industry and to geographic distribution

Terms of office

5077. The terms of office of the members and alternates of the council shall be three years, except as provided in this section. The first appointments made under this chapter shall be so made that the terms of six members and their alternates shall expire at the end of one year, six members and their alternates shall expire at the end of two years, and seven members and their alternates shall expire at the end of three years. The director, whenever he deems necessary, shall obtain additional nominations for membership on the council from producers.

Vacancy

Any vacancy occurring during the unexpired term shall be filled by the director for the unexpired term from the eligible nominees. No council member or alternate shall serve more than two consecutive three-year terms except that service as an alternate does not disqualify a person to then serve two such terms as a member.

Removal

The director may remove any member of the council or alternate for cause and upon such removal there shall be a vacancy which shall be filled in the manner as provided for the unexpired term.

Meetings

5078. Within 30 days after the effective date of this section, the director shall call and hold meetings of producers engaged in business as such in this State, at such places in the State as he shall determine will give a reasonable opportunity to every such producer to attend one of such meetings, for the purpose of receiving from them nominations for membership on the council. Every producer shall be entitled to nominate a nominee for membership on the council. Both members and their alternates shall be appointed from those persons nominated for membership on the council. Notice of each of such meetings shall be given by the director by publishing notice thereof in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers or by

Notice of meetings

such other means as the director shall determine to be necessary to give reasonable notice of such meeting to producers in the general area in this State wherein such meeting is to be held. Such notice of meeting shall set forth the time, place, and purpose thereof, and shall state that nomination by mail to the director at his office in Sacramento, setting forth the names, addresses, citizenships, and types of producers of the respective nominees, and bearing the signature and address of the nominator, if received by the director not later than five days subsequent to such meetings, will be considered. Such meeting shall not be held prior to three days after the last publication of notice thereof. At each meeting the director shall receive from those present and qualified oral nominations for membership on the council.

Quorum

5079. A majority of the members of the council shall constitute a quorum for the transaction of all business, including the election of officers.

Meeting Officers

Immediately upon the appointment and qualification of the council, the council shall meet at a time and place designated by the director as temporary chairman and shall organize. The council shall select annually from its number, to serve at its pleasure, a chairman and vice chairman who, together with five other members selected annually by the council, shall constitute the executive committee of the council. The executive committee shall have and exercise such powers of the council as the council may delegate to it.

Regular meetings

5080. The council shall have two regular meetings in each year at times and places fixed by the council. The times for regular meetings shall be fixed so that there shall be an interval of at least four calendar months between such meetings. The council may meet in special meetings at any time and place at the call of the chairman or upon the written request of five members of the council. The executive committee shall have four regular meetings each year at times and places fixed by it, and may meet in special meetings at any time and place at the call of the chairman or on call of a majority of the members of the executive committee.

Compensation

5081. The appointed members of the council shall receive ten dollars ($10) per day for each day spent in actual attendance at the meetings or on the business of the council and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their official duties.

Same

5082. No member of the council, other than a member of the executive committee, shall receive compensation for more than 10 days' service per year. No member of the executive committee shall receive compensation for more than three days' service per month, except the chairman who may receive compensation for not more than 10 days per month.

Fidelity bonds

5083. The director may require any employee or agent of the council to give a fidelity bond executed by a surety company authorized to do business in this State in favor of the director, in such sum, and containing such terms and condi-

tions, as the director may prescribe. The cost of all fidelity bonds of employees or agents of the council under the provisions of this chapter shall be paid from the funds collected under this chapter.

Liability

5084. The members of the council duly appointed by the director, including employees of such council, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the council, or for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, servant, or employee, except for their own individual acts of dishonesty or crime. The liability of the members of the council shall be several and not joint and no member shall be liable for the default of any other member. All salaries, expenses, costs, obligations and liabilities incurred by such council shall be payable only from funds collected under the provisions of this chapter.

Alternate members

5085. An alternate member of the council shall sit as a regular member of the council in case the member for whom he is an alternate fails for any reason to attend any meeting of the council. He shall be compensated and reimbursed in the same manner and to the same extent as a regular member when so serving and when so serving has all the powers, duties, liabilities, and immunities of the member in whose place he is serving, except that the alternate to the chairman or vice chairman shall not succeed to the functions of these offices.

Article 5. Powers and Duties

Duties

5100. The duties of the council shall be advisory, except as to those duties which may be delegated to it by the director, and may include the following:

(a) To recommend to the director administrative rules and regulations relating to the administration and enforcement of this chapter;

(b) To investigate all matters affecting the administration of this chapter, and to report violations thereof to the director;

(c) To employ and, at its pleasure, discharge a manager and such clerical help and other employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(d) To contract with, or employ, and, at its pleasure, discharge such other persons as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation;

(e) To establish offices, and incur expenses incidental thereto;

(f) To make such contracts and other agreements as may be proper to promote the sale of beef and beef products on either a local, state, national or international basis;

(g) To cooperate with any other local, state, or national commission, organization, or agency, whether voluntary or created by state or federal law, and engaged in work or activities similar to the work and activities of the council created by this chapter, and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint programs of education, research, publicity and advertising; provided, however, that in matters of research, the council shall cooperate with organizations of recognized professional standing which are adequately equipped with facilities for the research contemplated;

(h) To recommend to the director the institution and promotion of scientific research to develop or discover, or both, the health, food, therapeutic, dietetic, industrial, or other uses of beef and its products.

The exercise of the foregoing powers of the council shall in all instances be subject to the approval of the director.

Programs for education, research, etc.

5101. The director shall conduct, or may cause the council to conduct, programs of education, research, or public information, designed to accomplish the following purposes, among others:

Purposes

To increase the consumption of beef and beef products; to gather, publicize, and diffuse accurate and scientific information showing the importance of the use and consumption of beef and beef products in relation to the public health, economy, and diet, and proper nutrition of children and adults; to study means and methods employed in producing, processing, manufacturing, marketing, and distributing beef and beef products in order to comply with the sanitary and and other regulations imposed by municipalities, State and Nation; to gather and disseminate information regarding the high standards observed and imposed to insure pure and wholesome beef and beef products and the harmful effects on the public health resulting from the breakdown or instability of the cattle industry, the factors and conditions peculiar to the cattle industry which tend to cause an unbalanced production, the price of beef and beef products in relation to the cost of other items of food in a balanced diet, and the factors which tend to promote increased consumption of beef and beef products, stabilize the industry, and foster a better understanding and more efficient cooperation among producers and the consuming public.

Restrictions

5102. No program or activity conducted or sponsored under this chapter shall make false or unwarranted claims, or disparage the quality, value, use, or sale of any commodity authorized by law to be marketed in this State, nor shall any such program be conducted with reference to a brand or trade name.

Records, etc.

5103. The council shall keep such books, records, and accounts of all its transactions, dealings, contracts, agreements, funds, and expenditures as it deems necessary, which books, records, and accounts shall at all times be open to inspection and audit by the director.

Influencing legislation

5104. No member, alternate agent, or employee of the council shall appear before any legislative committee of the State or Federal Government as a representative of the council unless requested to do so by such committee, nor shall such person lobby in any manner as a representative of the council, nor shall any funds collected pursuant to this chapter be used for political contributions.

Statements

5105. The council shall prepare, annually, and make available to all producers who so request, summarized statements of the activities in which it has been engaged in the previous annual period, and of the activities in which it proposes to engage in the ensuing annual period.

Regulations, etc

5106. Upon recommendations by the council the director may establish consistent with this chapter such rules and regulations covering the administration and enforcement of this chapter as may be necessary to carry out the purposes and attain the objectives of this chapter. Upon the issuance of any rules and regulations affecting this chapter, a copy thereof shall be posted on a bulletin board to be maintained by the director in his office, and a copy of such rules and regulations shall be published in a newspaper of general circulation published in Sacramento, California, and in such other newspaper or newspapers as the director may prescribe. No rule or regulation shall become effective until the termination of a period of five days from the date of such posting and publication. The director shall mail a copy of the notice of said issuance to all persons directly affected by the rules and regulations 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.

Article 6. Financial Provisions

Fees

5125. In order to carry out the programs and administer the activities conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and collected at the same time and in the same manner as inspection fees are collected as provided in Article 10 (commencing at Section 353) of Chapter 2 of Division 3 of the Agricultural Code, except that such fee shall not be charged upon the following:

(a) Hides, skins or reduction animals;

(b) Any cattle transported for purposes other than for sale or slaughter and without a change of ownership;

(c) Any animal less than three months of age;

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

Purpose

It is the purpose of this section that a fee be paid for each head of cattle originating in other states and slaughtered in this State, other than those specifically excepted herein, and if

not otherwise paid shall be collected from the purchaser or slaughterer.

Whenever the fee imposed by this section is not paid, the director may recover the amount thereof in a civil action from the person for whom the inspection was made. Civil suits and the fees collected thereby shall not be affected by claims of exemption made after the fee became due under this section. Nonpayment

5126. The fees collected herein shall be forwarded to the director at the same time and in the same manner as the inspection fees provided for in Article 10 (commencing at Section 353) of Chapter 2 of Division 3. The director shall reimburse, from any moneys collected hereunder, the Bureau of Livestock Identification and any other bureaus or agencies of the State for any additional expenses incurred by them in the administration or enforcement of this chapter. Proceeds

5127. Any person who is subject to the fee required by Section 5125 may file in writing with the director a request for exemption from such fee. Upon the receipt of such request an exemption certificate shall be issued to the person so requesting, which certificate shall then be effective for the fiscal year in which issued and shall expire on June 30th next following the date of issuance. Exemption Request

At the time the fee required by Section 5125 is to be collected the person subject to payment may present the exemption certificate or such evidence thereof as the director may prescribe, and upon such presentation the fee otherwise required shall not be collected.

5128. All moneys collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of Finance, allocated to the purposes of this chapter only, and disbursed by the director only for the necessary expenses incurred by the council and the director in carrying out the purposes and provisions of this chapter. Moneys so collected shall be deposited and disbursed in conformity with appropriate auditing rules and regulations prescribed by the director. The expenditure of such moneys shall be exempt from the provisions of Sections 16003 and 16304 of the Government Code. All such expenditures by the council and the director shall be audited at least once every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after completion thereof to the Governor, the Director of Agriculture, and the State Controller. Deposit

The director, after consultation with the council, 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 council an annual statement, in reasonable detail, of his expenditures hereunder. Budget

5129. The director may receive funds in such amounts as he may deem necessary to defray the initial expenses in mak- Initial expenses

ing effective this chapter. The director shall reimburse those persons from whom said funds are received in the amounts received from any funds received by the director pursuant to Section 5125.

Contributions

5130. The director may accept contributions to advance the purposes of this chapter. If requested by the donor such contributions shall be segregated and separately maintained for the use of the council.

Acceptance

5131. Any inspector described in Section 331.8 may accept voluntary contributions on behalf of the director. Such contributions may be supplementary to or in lieu of collections provided in Section 5125.

Receipt

The inspector shall give a receipt for such contributions and shall transmit them to the director in accordance with regulations which may be adopted by the director.

Article 7. Construction

Liberal construction

5150. This chapter shall be liberally construed. If any section, sentence, clause, or part of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this chapter but such unconstitutional or invalid provision shall be deemed separable from the valid parts thereof.

Article 8. Termination

Termination date

5200. This chapter shall remain in force and effect until the ninety-first day after the final adjournment of the 1963 General Session of the Legislature.

Winding up

5201. On the expiration of this chapter pursuant to Section 5200, the council shall remain in existence for the purpose of furnishing the director with a complete record of its outstanding financial obligations, accrued and to accrue. The director shall pay from the moneys deposited and disbursed as provided in Section 5128 such obligations and any obligations incurred by the director and the department under the terms and provisions of this section. Any moneys remaining shall be retained by the director to defray the expenses of formulation, issuance, administration or enforcement of any subsequent program for beef promotion. If no such program is undertaken within a period of three years from the date of termination of this chapter, such moneys shall be withdrawn from the approved depository and paid into the State Treasury, allocated to the Department of Agriculture Fund for use by the Director of Agriculture in carrying out the hide and brand provisions of the Agricultural Code, when appropriated by the Legislature.

Operative date

SEC. 2. The provisions of Section 5125 shall become operative November 1, 1957.

Performance of duties

SEC. 3. All duties imposed on the director or the council by this act, except as to the receipt and deposit of funds, may

be performed, but it is not mandatory that they be performed until such time as, in the opinion of the director, sufficient funds have been collected under Sections 5125, 5129, 5130, or 5131 to meet the initial expenses of organizing the council and issuing the exemption certificates under this act.

CHAPTER 2242

An act to amend Section 1705.5 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1705.5 of the Harbors and Navigation Code is amended to read:

1705.5 Notwithstanding any other provision of law, the authority shall establish and adjust salary ranges for laborers, workmen and mechanics employed by it. In establishing or changing such ranges consideration shall be given to the prevailing rates for comparable service in other public employment and in private business. The authority may make a change in salary range retroactive to the date of application for such change. Such salary ranges may be fixed on an hourly, per diem, or monthly basis or any combination thereof.

CHAPTER 2243

An act to add Section 597m to the Penal Code, relating to bullfighting exhibitions.

[Approved by Governor July 12, 1957. Filed with Secretary of State July 13, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 597m is added to the Penal Code, to read:

597m. It shall be unlawful for any person to promote, advertise, stage, hold, manage, conduct, participate in, engage in, or carry on any bullfight exhibition, any bloodless bullfight contest or exhibition, or any similar contest or exhibition, whether for amusement or gain or otherwise; provided, that nothing herein shall be construed to prohibit rodeos or to prohibit measures necessary to the safety of participants at rodeos.

This section shall not, however, be construed as prohibiting bloodless bullfights, contests, or exhibitions held in connection with religious celebrations or religious festivals.

Any person violating the provisions of this section is guilty of a misdemeanor.

CHAPTER 2244

An act to add Section 145 to the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 13, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 145 is added to the Unemployment Insurance Code, to read:

145. With respect to individuals hired as commercial fishermen a "partially unemployed individual" means an individual who, during a particular week:

(1) Earned less than his weekly benefit amount;

(2) Was employed by his regular employer in the act of catching or attempting to catch fish;

(3) Was during such week continuously attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship; and

(4) (a) Worked less than normal customary full-time hours or full number of days per week for such regular employer because of lack of full-time work, or

(b) If normal customary full-time hours or full number of days per week are not determinable, he worked less than four (4) days during a pay roll week for such regular employer because of lack of full-time work.

This section shall remain in effect until the ninety-first day after the date of final adjournment of the 1959 Regular Session of the Legislature, and thereafter shall have no force or effect.

CHAPTER 2245

An act to amend Section 2054 of, and to add Section 2054.1 to, the Penal Code, relating to the academic education of inmates in state institutions, making an appropriation, and declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2054 of the Penal Code is amended to read:

Contract

2054. The Director of Corrections may establish and maintain classes for inmates by utilizing personnel of the Department of Corrections, or by entering into an agreement with the governing board of a school district or private school or the governing boards of school districts under which the district shall maintain classes for such inmates. The governing

board of a school district or private school may enter into such an agreement regardless of whether the institution or facility at which the classes are to be established and maintained is within or without the boundaries of the school district.

Cost reimbursement

Any agreement entered into between the Director of Corrections and a school district or private school pursuant to this section may require the Department of Corrections to reimburse the school district or private school for the cost to the district or private school of maintaining such classes. "Cost" as used herein includes contributions required of any school district to the State Teachers' Retirement System, but such cost shall not include an amount in excess of the amount expended by the district for salaries of the teachers for such classes, increased by one-fifth Salaries of such teachers for the purposes of this section shall not exceed the salaries as set by the governing board for teachers in other classes for adults maintained by the district, or private schools.

Attendance

Attendance or average daily attendance in classes established pursuant to this section or in classes in trade and industrial education or vocational training for adult inmates of institutions or facilities under the jurisdiction of the Department of Corrections shall not be reported to the State Department of Education for apportionment and no apportionment from the State School Fund shall be made on account of average daily attendance in such classes.

No school district or private school shall provide for the academic education of adult inmates of state institutions or facilities under the jurisdiction of the Department of Corrections except in accordance with this section.

Support of program

The Legislature hereby declares that for each fiscal year, commencing with the 1957-58 Fiscal Year, funds for the support of the academic education program for inmates of the institutions or facilities under the jurisdiction of the Department of Corrections shall be provided, upon appropriation by the Legislature, to the Department of Corrections at the rate of forty dollars ($40) multiplied by the total number of inmates which the Department of Corrections estimates will be in such institutions or facilities on December 31st of the fiscal year, except as provided in Section 2054.1.

SEC. 2 Section 2054 1 is added to said code, to read:

Same

2054.1. The rate specified in Section 2054 shall be further increased or decreased in the same proportion as the median salaries for full-time high school teachers in the public schools of this State have increased or decreased since the 1956-57 Fiscal Year.

"Median salaries" as used herein is the amount which the Superintendent of Public Instruction reports will be paid to full-time high school teachers in the public schools of this State during the fiscal year. Such reports shall be based upon information compiled by the Department of Education on

salaries of certificated employees in the public schools of this State.

This section applies only to the program of academic education for inmates.

Appropriation

SEC. 3. In addition to any other sums appropriated, the sum of ninety-two thousand one hundred sixty-seven dollars ($92,167) is appropriated from the General Fund to the Department of Corrections for the purposes of Sections 2054 and 2054.1 of the Penal Code, to be expended only on allocations to the institutions or facilities of the Department of Corrections as authorized by the Department of Finance.

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:

In order to insure funds to the cooperating school districts for the continuation during the 1957-58 Fiscal Year of the academic education of adult inmates of state institutions and facilities under the jurisdiction of the Department of Corrections, it is necessary that these provisions become effective immediately.

CHAPTER 2246

An act making an appropriation for the installation of sidewalks at the California School for the Deaf at Riverside.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

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 thousand dollars ($3,000) to the Department of Education for the construction of a sidewalk along Arlington Avenue contiguous to the California School for the Deaf at Riverside.

CHAPTER 2247

An act to amend Section 10202.7 of the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 10202.7 of the Insurance Code is amended to read:

10202.7. A group life policy conforming to all of the following conditions may be issued to the trustee of a fund

established by employer members of a trade association and maintained by contributions of such members for the sole benefit of their employees:

(a) The trade association must have been formed for purposes other than obtaining insurance and have been in existence for five years or longer prior to issuance of the policy.

(b) The policy must cover at date of issue not less than 75 percent of the eligible employees of at least 50 percent of the total employer members of the trade association unless the total number of lives covered at date of issue exceeds 600, in which event the policy must cover when issued 75 percent of the eligible employees of at least 25 percent of the employer members of the trade association; provided, however, that in determining the total of the employer members of the trade association there shall be excluded any member whose employees are already covered by group life insurance.

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.

(c) The group life policy must be issued pursuant to Section 10202 and the trustee shall be deemed to be the employer for purposes of administration.

(d) The group policy must cover when issued at least 100 lives.

CHAPTER 2248

An act to amend Section 10202.7 of the Insurance Code, relating to group life policies.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10202.7 of the Insurance Code is amended to read:

10202.7. A group life policy conforming to all of the following conditions may be issued to the trustee of a fund established by employer members of a trade association and maintained by contributions of such members for the sole benefit of their employees:

(a) The trade association (1) must have been formed for purposes other than obtaining insurance and have been in existence for five years or longer prior to issuance of the policy or (2) must be a state-wide association having over 500 members, which has been in existence for 10 years or longer and consists of employer members engaged in any one or more of the manufacturing, fabricating, or processing industries.

(b) The policy must cover at date of issue not less than 75 percent of the eligible employees of at least 50 percent of the total employer members of the trade association unless the total number of lives covered at date of issue exceeds 600,

in which event the policy must cover when issued 75 percent of the eligible employees of at least 25 percent of the employer members of the trade association; provided, however, that in determining the total of the employer members of the trade association there shall be excluded any member whose employees are already covered by group life insurance.

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.

(c) The group life policy must be issued pursuant to Section 10202 and the trustee shall be deemed to be the employer for purposes of administration.

(d) The group policy must cover when issued at least 100 lives.

CHAPTER 2249

An act to add Section 188.3 to the Streets and Highways Code, relating to the State Highway Fund.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 188.3 is added to the Streets and Highways Code, to read:

188.3. The cost of maintenance of all toll bridges under the jurisdiction of the California Toll Bridge Authority shall be paid out of money in the State Highway Fund available for the construction of state highways, prior to the allocation of money between county groups under Section 188.

CHAPTER 2250

An act making an appropriation for the construction of a road between the North and South Calaveras Big Tree Groves.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one million two hundred fifty thousand dollars ($1,250,000) is hereby appropriated from the State Park Fund to the Division of Beaches and Parks for the construction of a road suitable for public use between the North Calaveras Big Tree Grove and the South Calaveras Big Tree Grove. The amount appropriated by this act may be expended for surveys, engineering, and actual construction costs.

CHAPTER 2251

An act authorizing the acquisition of the Jack London Home as a state historical monument, providing for its preservation, development, and interpretation, and making an appropriation for acquisition, development and improvement of such historical monument after acquisition.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The State Park Commission is hereby authorized to provide for the acquisition, preservation, development, and interpretation of the Jack London Home as a state historical monument. The State Park Commission, acting by and through the Division of Beaches and Parks, Department of Natural Resources, shall upon acquisition of the property provide for such restoration and improvements as are necessary to carry out the purposes hereof, upon appropriation of the necessary funds.

Land acquired pursuant to the appropriation made herein shall provide an appropriate setting for the Jack London Home and grave site, adjacent to the town of Glen Ellen, County of Sonoma.

SEC. 2. The properties acquired, restored, improved, maintained and operated in pursuance of this act shall constitute a portion of the State Park System.

SEC. 3. There is hereby appropriated from the State Park Fund the sum of one hundred thousand dollars ($100,000) for the purposes of this act.

CHAPTER 2252

An act to amend Section 11200 of, and to add Article 9.6 (commencing with Section 11270) to Chapter 2 of Part 3 of Division 6 of, the Water Code, relating to the Central Valley Project, and making an appropriation therefor.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11200 of the Water Code is amended to read:

11200. Subject to Articles 9.5 (commencing at Section 11260), 9.6 (commencing at Section 11270), and 9.7 (commencing at Section 11280) hereof, the construction of the project is a single object and the units thereof collectively constitute one project. Units

SEC. 2. Article 9.6 is added to Chapter 2 of Part 3 of Division 6 of said code, to read:

Article 9.6. North Bay Aqueduct

North Bay Aqueduct Construction

11270. The unit of the North Bay Aqueduct as set forth in Bulletin No. 60 of the Department of Water Resources entitled "Salinity Control Barrier Investigation," dated March 1, 1957, subject to such modification thereof as the department may adopt, and such unit or portions thereof may be constructed by the department and maintained and operated by it to such extent and for such period as the department may determine, as a feature of the California Water Plan, and as a unit of the Central Valley Project, separate and apart from any or all other units thereof.

Diversions

11271. In the operation of the North Bay Aqueduct, or any joint-use facilities of such unit or project, by the United States or the State, diversions from Sacramento-San Joaquin Delta sources of water shall not be made except when the residual surface outflow from the Sacramento-San Joaquin Delta is adequate to prevent the intrusion of ocean salinity at the town of Collinsville on the Sacramento River, and no water which has been stored in any facilities other than those operated by the United States on the effective date of this section, shall be required to be released to prevent such intrusion at any time when diversions are being made from the Sacramento-San Joaquin Delta for the North Bay Aqueduct. The Director of Water Resources shall continue the work of the Sacramento-San Joaquin water supervision service now under way to maintain continuing records of the source, extent, and occurrence of salinity throughout the Sacramento-San Joaquin Delta. Nothing herein contained is intended to nor shall it be construed as a modification or repeal of Sections 11460 and 11463 of this code.

Appropriation

SEC. 3. The sum of one million three hundred forty thousand dollars ($1,340,000) is appropriated from the Investment Fund to the Department of Water Resources for expenditure for completion of engineering studies and preparation of construction plans and specifications for the North Bay Aqueduct as authorized by Section 11270 of the Water Code, such money to be available for expenditure without regard to fiscal years.

CHAPTER 2253

An act to add Section 13862 to the Education Code, relating to pay roll deductions for school district employees.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13862 is added to the Education Code, to read:

13862. The governing board of each school district when drawing an order for the salary payment due to a certificated employee of the district, may with or without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for the purpose of paying the dues of the employee for membership in any local professional organization or in any state-wide professional organization, or in any other professional organization affiliated or otherwise connected with a state-wide professional organization which authorizes such state-wide organization to receive membership dues on its behalf and for the purpose of paying his pro-rata share of the costs incurred by the district in making the deduction. No charge shall exceed the actual cost to the district for such dues deduction. The governing board shall each month draw its order upon the funds of the district in favor of the organization designated by the employee for an amount equal to the total of the dues deductions made with respect to such organization during the month. The district shall retain and deposit in the general fund of the district the total amounts deducted from the employee's salary payment for the purpose of paying the employee's pro-rata share of the costs incurred by the district in making the dues deductions provided for in this section. If the employees of a district do not authorize the board to make a deduction to pay their pro-rata share of the costs of making deductions for the payment of dues, the board shall deduct from the amount transmitted to the organization on whose account the dues payments were deducted the actual costs of making such deduction.

CHAPTER 2254

An act making an appropriation for the acquisition of property for the State Park System.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The sum of seven hundred thousand dollars ($700,000) is hereby appropriated from the State Park Fund to the Division of Beaches and Parks, Department of Natural Resources, for expenditure for the acquisition of the following parcels of land in Napa County for the State Park System:

GROUP 1

Parcel One: Being Lots 11 and 12 and portions of Lots 13 and 14 as the same are laid down and delineated on that certain map entitled "Mill Tract, Portion of the Carne Humana Rancho, Napa County, California" filed September 8, 1873 in

the Office of the County Recorder of said Napa County, and more particularly described as follows:

Commencing at the point formed by the intersection of the northeasterly line of the California State Highway leading from St. Helena to Calistoga with the northwesterly line of the county road leading from said highway to Bale Station, said point of commencement being also the most southerly corner of said Lot 11; running thence along the southeasterly lines of said Lots 11 and 14, being also the northwesterly line of said road leading to Bale Station, north 50 degrees 45 minutes east 1,498 feet to the intersection thereof with the southwesterly line of the 8.37 acre tract of land conveyed by Lillie Hitchcock Coit to the San Francisco, Napa and Calistoga Railway by deed of record in Volume 101 of Deeds, page 369, Napa County Records; thence along the southwesterly line of said 8.37 acre tract north 40 degrees 15 minutes west 1,176 feet, more or less, to the intersection thereof with the center line of Ritchie Creek; thence southwesterly up the center of said creek, following its meanderings, to the intersection thereof with the southwesterly line of said Lot 12, being also the northeasterly line of aforesaid state highway; thence along the southwesterly lines of said Lot 12 and said Lot 11, being also the northeasterly line of said highway, south 71 degrees 30 minutes east 1,338.50 feet and south 45 degrees 15 minutes east 273.24 feet to the point of commencement.

Containing 45.25 acres of land, more or less.

Parcel Two: Part of the Rancho Carne Humana and designated as all that portion of lots numbered 1, 2, 3, 4, 5, 6 and 7 of the "Mill Tract" lying northerly and easterly from the westerly "Tracy Line" of the survey of said Rancho "Carne Humana" and also all that portion of those lots numbered 1, 2, 3, 4, 5, 6 and 7 lying southerly and westerly of the westerly "Tracy Line" of the survey of said Rancho and between said westerly "Tracy Line" and the westerly line of said Rancho as surveyed by De Woody. The part of the Carne Humana Rancho hereby intended to be conveyed is 148-23/100 acres, being all the land of said Mill Tract formerly owned by Lillie H. Coit, deceased, bounded northeasterly by the county road leading from St. Helena to Calistoga, northwesterly by the center line of Richie Creek, southwesterly and westerly by the De Woody boundary line of the Carne Humana Rancho, and easterly or southeasterly by the land now or formerly owned by J. J. Bliss and Sarah A. Lyman, et al., containing 148-23/100 acres, more or less, and being further described as lots numbered 1, 2, 3, 4, 5, 6 and 7 and an unnumbered lot containing 2-50/100 acres and said unnumbered lot is bounded by said Lot No. 1 and by Richie Creek and the westerly line of the Carne Humana Rancho-De Woody Survey, according to a map of the Mill Tract portion of the Carne Humana Rancho filed in the Office of the County Recorder of Napa County, California, on September 8, 1873.

Also: Lot 1, Section 15, Township 8 North, Range 6 West, Mt. Diablo Meridian, containing 18.33 acres of land, as designated in a certain patent issued by the State of California, to C. M. Hitchcock, January 12, 1877, and recorded in the Office of the County Recorder of Napa County, California, June 10, 1884, in Liber C of Patents, at page 342, Lot No. 2, Section 15, Township 8 North, Range 6 West, Mt. Diablo Meridian, containing 40 acres as designated in the patent last above referred to.

GROUP 2

Parcel No. One: The northeast quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of Section 16, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northwest quarter of the southeast quarter, the southeast quarter of the southwest quarter, the southwest quarter of the southwest quarter and the southeast quarter of the northeast quarter of Section 17, the northeast quarter of the northeast quarter of Section 19, the northwest quarter of the northwest quarter of Section 20, all in Township 8 North, Range 6 West, Mt. Diablo Meridian.

Containing 600 acres of land, more or less.

Parcel No. Two: Commencing at the southeast corner of the northeast quarter of the northeast quarter of Section 17, in Township 8 North, Range 6 West, Mt. Diablo Meridian, and running thence due west along the southern line of said northeast quarter of the northeast quarter 20 chains to the southwestern corner thereof; thence due north along the western line of said northeast quarter of the northeast quarter, 6.50 chains to the southern boundary line of the premises heretofore conveyed to Herman Schram by deed of record in Volume 82 of Deeds, at page 138, Napa County Records, and thence in a southeasterly direction along said last mentioned line, to the point of commencement.

Containing 6.50 acres of land, more or less.

Parcel No. Three: The northwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter of Section 16, in Township 8 North, Range 6 West, Mt. Diablo Meridian.

Containing 80 acres of land, more or less.

Parcel No. Four: Commencing at Post "C.H,21" of Tracy's survey of the Carne Humana Rancho, and running thence north 25 degrees east 5.32 chains to the center line of the county road leading from St. Helena to Calistoga, and running thence north 89½ degrees west along the center line of said county road, 13.14 chains to an angle therein; thence continuing along the center line of said county road, north 71 degrees west two chains to a point where the line of the lands formerly of McCrory crosses said county road; thence

south 21 degrees west along said McCrory's line, 6.38 chains to a stake on the boundary line of the Carne Humana Rancho from which a Madrona 12 inches in diameter bears south 28 degrees east 30 links distant; and thence easterly along said last mentioned line, 15.10 chains to the point of commencement.

Containing 7.77 acres of land, more or less, and being a portion of the Carne Humana Rancho.

Parcel No. Five: The northeast quarter of the southeast quarter of Section 17, in Township 8 North, Range 6 West, Mt. Diablo Meridian.

Containing 40 acres of land, more or less.

CHAPTER 2255

An act to amend Sections 10202.81 and 10270.51 of the Insurance Code, relating to public employees.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 10202.81 of the Insurance Code is amended to read:

Public employers

10202.81. The State and any political subdivisions thereof and any municipality, may provide for the type of insurance set forth in Section 10202.8 of this code the same as any private employer and may contribute to a fund established under such section the same as any private employer.

SEC. 2. Section 10270.51 of the Insurance Code is amended to read:

Same

10270.51. The State and any political subdivisions thereof and any municipality, may provide for the type of insurance set forth in Section 10270.5 of this code the same as any private employer and may contribute to a fund established under such section the same as any private employer.

CHAPTER 2256

An act to amend Section 817 and to amend and renumber Section 2008 and to amend the title to Article 6 (commencing at Section 2046) of Chapter 1 of Title 1 of Part 3, and the title to Article 1 (commencing at Section 2047) of Chapter 2 of Title 1 of Part 3, and Sections 2050, 2051, 2052, 2053, 2056, 2057, 2058, 2059, 2060, 2082, 2084, 2087, 2090, 2091, and the title to Article 3 (commencing at Section 2400) of Chapter 2 of Title 1 of Part 3, and Sections 2540, 2541, 2600, 2601, 2702, 2705, 2707, 2711, 2712, 2715, 2721, 2723, 2725, 2727, 2729, 2740, 2741, 2780, 2782, 2784, 2786, 2787, 2788, 2791, 2871, 2872, 2877, 2920, 2923, 2924, 2926, 2940,

2941, 2946, 3020, 3021, 3022, 3040, 3041, 3042, 3046, 3052, 3054, 3055, 3056, 3059, 3062, 3075, 3103, 3104, 3107, 3113, 3300, 3321, 3327, 3600, 3602, 4700, 4801, 4802, 4803, 4810, 4812, 4813, 4814, 4850, 4851, 4852.04, 4852.1, 4852.17, 5052, 5055, 5057, 6003, and 6052 of, and to repeal Section 2745 of, the Penal Code, and to amend Section 1782 of the Welfare and Institutions Code, and to repeal Sections 1999, 2002, 2003, 2004, 2005, 2006, 2007, 2049, 2070, 2539, 2599, 2699, 2869, 2919, 3001, 3330, 3599, 4700.1, and 5075.5 of the Penal Code, relating to the correction and elimination of various obsolete and repetitious references and provisions in the laws governing the State's correctional system and agencies in the Department of Justice.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Penal Code is amended to read:

Peace officer

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director of the State Department of Justice, the chief, assistant chief, special agents and the polygraph specialists of the Bureau of Criminal Identification and Investigation, the chief and inspectors of the Division of Narcotic Enforcement, a supervisor or guard employed by the Department of Corrections, while acting in the transportation of prisoners and in the apprehension of prisoners who have escaped, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the Board of State Harbor Commissioners for San Francisco Harbor, each member of an arson investigating unit of an organized fire department, the chief and inspectors of the Bureau of Food and Drug Inspection, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, and investigators of the Board of Chiropractic Examiners of the State of California are respectively peace officers for the purpose only of carrying out the duties of their respective employments.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

SEC. 2. Section 2008 of said code is amended and renumbered to read:

California Institution for Men

2002. The primary purpose of the California Institution for Men shall be for the imprisonment of male offenders who, in the opinion of the department, seem capable of moral rehabilitation and restoration to good citizenship.

SEC. 3. The title to Article 6 (commencing at Section 2046) of Chapter 1 of Title 1 of Part 3 of said code is amended to read:

Article 6. California Medium Security Prison

SEC. 4. The title to Article 1 (commencing at Section 2047) of Chapter 2 of Title 1 of Part 3 of said code is amended to read:

Article 1. Miscellaneous Powers and Duties of Department and Director of Corrections

SEC. 5. Section 2050 of said code is amended to read:

San Francisco office

2050. The department shall have power to establish an office in San Francisco and to employ a secretary therefor.

SEC. 6. Section 2051 of said code is amended to read:

Contracts

2051. The department is hereby authorized to contract for provisions, clothing, medicines, forage, fuel, and all other staple supplies needed for the support of the prisons for any period of time, not exceeding one year, and such contracts shall be limited to bona fide dealers in the several classes of articles contracted for. Contracts for such articles as the department may desire to contract for, shall be given to the lowest bidder at a public letting thereof, if the price bid is a fair and reasonable one, and not greater than the usual value and prices.

Bids

Each bid shall be accompanied by such security as the department may require, conditional upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond with good and sufficient sureties in such sum as the department may require, and to its satisfaction that he will faithfully perform his contract.

Breach

If the proper officer of the prison reject any article, as not complying with the contract, or if a bidder fail to furnish the articles awarded to him when required, the proper officer of the prison may buy other articles of the kind rejected or

called for, in the open market, and deduct the price thereof, over the contract price, from the amount due to the bidder, or charge the same up against him.

Notice of the time, place, and conditions of the letting of contracts shall be given for at least two consecutive weeks in two newspapers printed and published in the City and County of San Francisco, and in one newspaper printed and published in the County of Sacramento, and in the county where the prison to be supplied is situated. Notice

If all the bids made at such letting are deemed unreasonably high, the department may, in its discretion, decline to contract and may again advertise for such time and in such papers as it sees proper for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the department may contract with anyone whose offer is regarded as just and equitable, or may purchase in the open market. Refusal to contract

No bids shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class or schedule of articles, quality considered, and when a contract can be had at such lower bid. High bids

When two or more bids for the same article or articles are equal in amount, the department may select the one which, all things considered, may by it be thought best for the interest of the State, or it may divide the contract between the bidders as in its judgment may seem proper and right. Equal bids

The department shall have power to let a contract in the aggregate or they may segregate the items, and enter into a contract with the bidder or bidders who may bid lowest on the several articles. Segregation of items

The department shall have the power to reject the bid of any person who had a prior contract and who had not, in the opinion of the department, faithfully complied therewith. Prior bidders

SEC. 7. Section 2052 of said code is amended to read:

2052. The department shall have power to contract for the supply of electricity, gas and water for said prisons, upon such terms as the department shall deem to be for the best interests of the State, or to manufacture gas or electricity, or furnish water itself, at its option. It shall also have power to erect and construct or cause to be erected and constructed, electrical apparatus or other illuminating works in its discretion with or without contracting therefor, on such terms as it may deem just. The department shall have full power to erect any building or structure deemed necessary by it, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the prisons, or from the earnings thereof, without advertising or contracting therefor. Electricity, etc

SEC. 8. Section 2053 of said code is amended to read:

2053. The department may advance from its revolving fund to the Napa State Farm, with the approval of the De- Livestock

partment of Finance, money to cover the cost of livestock or meat to be purchased in the open market or for the processing thereof for the use of the prisons to which the meat is to be delivered after processing.

SEC. 9. Section 2056 of said code is amended to read:

Repairs

2056. If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured, by fire or otherwise, they may be rebuilt or repaired immediately, under the direction of the department by and with the advice and consent of the Governor, Attorney General, and Secretary of State and the expenses thereof paid out of any funds in the State Treasury not otherwise appropriated by law.

SEC. 10. Section 2057 of said code is amended to read:

Annual report

2057. The department shall, on or before the first day of December of each even-numbered year, report to the Governor on the condition of the prisons, together with a detailed statement of receipts and expenditures, and such suggestions concerning the prisoners as may appear to be necessary and expedient.

SEC. 11. Section 2058 of said code is amended to read:

Biennial report

2058. There shall be printed for the use of the prisons at least 500 copies of the biennial report of the department, and the clerk shall transmit to each of the state prisons in the United States one copy of such report.

SEC. 12. Section 2059 of said code is amended to read:

Compensation

2059. The department shall fix the compensation of its officers and employees, other than those of wardens and clerks, at a gross rate which shall include a cash allowance for board and lodging, but in no case shall the money compensation, exclusive of the cash allowance for board and lodging, be less than one hundred ten dollars ($110) per month. There shall be deducted from the gross salaries of the officers and employees of the prison the value of any board, lodging, services or supplies rendered or sold to each such officer or employee. The deduction for board and lodging shall not exceed the cash allowance therefor.

SEC. 13. Section 2060 of said code is amended to read:

"State business"

2060. For the purposes of Sections 11009, 11030, and 11039 of the Government Code, the following constitute, among other proper purposes, state business for officers and employees of the department for which such officers and employees shall be allowed actual and necessary traveling expenses when the state travel and expense have been approved by the Governor and the Director of Finance as provided in said section.

Attending meetings of any national association or organization, having as its principal purpose the study of matters relating to penology, including prison management and paroles, or to a particular field thereof; conferring with officers or employees of the United States relative to problems relating to penology, including prison management and paroles, in California; conferring with officers or employees of other

states engaged in the performance of similar duties; and obtaining information useful to the department in the conduct of its work.

SEC. 14. Section 2082 of said code is amended to read:

Fingerprints, etc., reports

2082. The Director of Corrections shall within 30 days after receiving persons convicted of crime and sentenced to serve terms in the respective prisons under the jurisdiction of the Director of Corrections, except those cases under juvenile court commitment, furnish to the State Bureau of Criminal Identification and Investigation two copies of a report containing the fingerprints, photographs and descriptions, including complete details of marks, scars, deformities or other peculiarities, and a statement of the nature of the offense for which the person is committed. One copy shall be transmitted by the state bureau to the Federal Bureau of Investigation. He shall notify the State Bureau of Criminal Identification and Investigation whenever any of such prisoners dies, escapes, is discharged, released on parole, transferred to or returned from a state hospital, taken out to court or returned therefrom, or whose custody is terminated in any other manner. The Director of Corrections may furnish to the State Bureau of Criminal Identification and Investigation such other fingerprints, photographs and information as may be useful for law enforcement purposes. Any expenditures incurred in carrying out the provisions of this section shall be paid for out of the appropriation made for the support of State's prisons and/or the Department of Corrections.

SEC. 15. Section 2084 of said code is amended to read:

Prisoners' provisions

2084. The department shall provide each prisoner with a bed of straw or other suitable material, and sufficient covering of blankets, and with garments of coarse, substantial material and of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive to good health.

SEC. 16. Section 2087 of said code is amended to read:

Wardens

2087. The wardens shall perform such other duties as may be prescribed by the department.

SEC. 17. Section 2090 of said code is amended to read:

Federal prisoners

2090. The department is hereby authorized to receive from the Federal Government any federal prisoner and to charge and receive from the United States, for the use of the State, an amount sufficient for the support of each such federal prisoner, the cost of all clothing that may be furnished, and one dollar ($1) per month for the use of the prisoner. No other or further charges shall be made by any officer for or on account of such prisoners.

SEC. 18. Section 2091 of said code is amended to read:

Superintendent

2091. The department may give to any warden the title of superintendent, but such superintendent shall have all the rights, powers, duties and liabilities of a warden, except as otherwise specifically provided by law.

SEC. 19. The title to Article 3 (commencing at Section 2400) of Chapter 2 of Title 1 of Part 3 of said code is amended to read:

Article 3. Division of Adult Paroles

SEC. 20. Section 2540 of said code is amended to read:

Compensation

2540. No officer or employee of the department shall receive directly, or indirectly, any compensation for his services other than that prescribed or authorized by law or the director; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent, or employee of a contractor. For any violation of the provisions of this section the officer or employee shall be discharged from his office or service; and every contractor, or employee, or agent of a contractor engaged therein, shall be expelled from the prison grounds, and not again permitted within the same as a contractor, agent, or employee.

SEC. 21. Section 2541 of said code is amended to read:

Dealings with prisoners

2541. No officer or employee of the department, or contractor, or employee of a contractor, shall, without permission of the director, make any gift or present to a prisoner, or receive any from a prisoner, or have any barter or dealings with a prisoner. For every violation of the provisions of this section, the party engaged therein shall incur the same penalty as prescribed in the preceding section. No officer or employee of the prison shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by anyone for or on behalf of the prisons.

SEC. 22. Section 2600 of said code is amended to read:

Civil rights

2600. A sentence of imprisonment in a state prison for any term less than life suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment. But the Adult Authority may restore to said person during his imprisonment such civil rights as the authority may deem proper, except the right to act as a trustee, or hold public office or exercise the privilege of an elector or give a general power of attorney.

SEC. 23. Section 2601 of said code is amended to read:

Same

2601. A person sentenced to imprisonment in the state prison for life is thereafter deemed civilly dead. But the Adult Authority may restore to such person during his imprisonment such civil rights as the authority may deem proper, except the right to act as a trustee, or hold public office, or exercise the privilege of an elector, or give a general power of attorney. This section shall not be construed so as to deprive such person of his right to inherit real and personal property in accordance with the laws of this State.

SEC. 24. Section 2702 of said code is amended to read:

Manufactures

2702. The director shall, from time to time, determine the kind, quality, and quantity, of the several articles, materials,

and supplies to be thus produced and manufactured or the services to be rendered.

SEC. 25. Section 2705 of said code is amended to read:

Folsom

2705. At Folsom after the completion of the dam and canal the director may commence the erection of structures for jute manufacturing purposes. The director is hereby authorized to purchase from time to time such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured, and not needed by the State, for cash, at private sale in such manner as provided by law.

SEC. 26. Section 2707 of said code is amended to read:

Machinery, etc

2707. The director is further authorized and empowered to purchase, install, and equip, such machinery, tools, supplies, materials, and equipment as may be necessary to carry out the provisions of this article.

SEC. 27. Section 2711 of said code is amended to read:

California Institution for Men

2711. The director shall cause to be included in the original plans and specifications of the California Institution for Men adequate provision for the employment and useful occupation of the maximum number of men capable of being confined in the institution, as planned. Such employment shall be designed to reduce the cost of maintaining the institution to the lowest figure consistent with good management and with the beneficial training, education and discipline of the prisoners confined therein.

SEC. 28. Section 2712 of said code is amended to read:

Allowances

2712. The director may allow to prisoners at the California Institution for Men such proportion of their earnings above the cost of their maintenance as he may deem proper.

SEC. 29. Section 2715 of said code is amended to read:

Land Prison farms

2715. Land belonging to the State of California may, with the approval of the Department of Finance, be transferred to the jurisdiction of the director for the purpose of establishing thereon a prison farm and prisoners in the state prisons may be transferred to such farm. Products from said farm shall first be used for supplying the state prisons, prison camps, or the prison farm and any surplus may be sold to any other state institution.

SEC. 30. Section 2721 of said code is amended to read:

Hemp

2721. The director is authorized and empowered to purchase California-grown hemp, to be used in the manufacture of grain bags, and to pay for the same from the revolving fund created by law for the purchase of jute.

SEC. 31. Section 2723 of said code is amended to read:

Grain bags

2723. The price for which grain bags made at said prison from hemp shall be sold shall be fixed by the director in the same manner as the price of bags made from jute is now by law fixed by him.

SEC. 32. Section 2725 of said code is amended to read:

Jute goods

2725. The director shall keep at San Quentin Prison a book open at all times to public inspection in which shall be entered the number of jute bags, the amount of jute goods manufactured each year, and also the name of each purchaser, his post-office address, his occupation, number of jute bags or jute goods purchased by him, and the price paid by him therefor, and the date of sale and the place to which shipment is made.

SEC. 33. Section 2727 of said code is amended to read:

Regulations, etc.

2727. The director may adopt rules and regulations for the enforcement of the provisions of the preceding five sections.

SEC. 34. Section 2729 of said code is amended to read:

"Jute"

2729. As used in this article the word "jute" shall also mean and include hemp and any other material suitable to be processed and manufactured into products in any jute mill at any of the state prisons.

SEC. 35. Section 2740 of said code is amended to read:

Stone-crushing plants

2740. The Governor and the director shall, when satisfied that 50,000 cubic yards of prepared road or highway metal, as hereinafter described, will be taken for highway purposes, purchase, establish, and operate at one or both of the state prisons, a rock- or stone-crushing plant, to be operated by prison labor and by the application of power under control of the director and with such free labor as is necessary for superintendence and direction, to crush rock or stone into road metal for highway purposes, of different and necessary degrees of fineness; provided, that the authority and direction hereby and herein conferred and given, shall not be exercised or employed until the Governor and the director are satisfied that transportation can be had for such highway metal for highway purposes at just and reasonable rates, and so as to justify the setting up and operation herein provided for of said plant.

SEC. 35.5. Section 2741 of said code is amended to read:

Railroad facilities

2741. The director is hereby authorized to lease railroad cars with equipment suitable for the rapid and economical handling and delivery of highway material prepared as aforesaid, whenever in his judgment the interests of the people of the State will be conserved thereby in the matter of highway construction by the use of such highway metal so produced, as in this article provided. The cost of such leasing shall in such case be carried into the cost of production described in this article.

Repeal

SEC. 36. Section 2745 of said code is repealed.

SEC. 37. Section 2780 of said code is amended to read:

Prison work

2780. Any department, division, bureau, commission or other agency of the State of California or the Federal Government may use or cause to be used convicts confined in the state prisons to perform work necessary and proper to be done by them at camps to be established under this article. The director may enter into contracts for the purposes of this article.

SEC. 38. Section 2782 of said code is amended to read:

2782. The director may fix a daily rate to be expended for such convict labor, and when so fixed, the agency shall monthly set aside funds to the director to pay for such labor, and where no funds are available from the agency the director may set aside the department's own funds to pay for such labor. The director, by regulation, may authorize any or all deductions to be made from the pay due convicts as provided for convicts at road camps under Section 2762. The director, by regulation, may also fix the maximum amount, over and above all deductions, that a convict may receive. Convict labor

SEC. 39. Section 2784 of said code is amended to read:

2784. Whenever convicts are paid for their labor under this article, the director shall monthly pay two-thirds of the net credit to each convict's account to his dependents who are receiving state aid, and if his dependents are not receiving state aid, such convict, by written order signed by him, may direct the director to pay not to exceed two-thirds of his net credit to such dependents as he designates. If a convict is discharged while at a camp, all sums due him shall be paid upon release. If a convict is returned to prison or released on parole, his net credits shall be paid to the warden of his prison and by him paid to the convict as prescribed by the director. Convict earnings

SEC. 40 Section 2786 of said code is amended to read:

2786. All money in said fund is hereby appropriated for educational and recreational purposes at the various prison camps established under this article and shall be expended by the director upon warrants drawn upon the State Treasury by the State Controller after approval of the claims by the State Board of Control. Appropriation

SEC. 41. Section 2787 of said code is amended to read:

2787. The agency providing work for convicts under this article shall designate and supervise all work done under the provisions of this article. The agency shall provide, erect and maintain the necessary camps, except that where no funds are available to the agency, the director may provide, erect and maintain the necessary camps. The director shall supervise and manage the necessary camps and commissariat. Work camps

SEC. 42. Section 2788 of said code is amended to read:

2788. The director shall have full jurisdiction at all times over the discipline and control of the convicts performing work under this article. Control of convicts

SEC. 43 Section 2791 of said code is amended to read:

2791. This article is not intended to restore, in whole or in part, the civil rights of any convict used hereunder and said article shall not be so construed. No convict so used shall be considered as an employee or be employed by the director or the agency involved, nor shall any such convict come within any of the provisions of Divisions 4 and 5 of the Labor Code or be entitled to any benefits thereunder whether on behalf of himself or that of any other person. Civil rights

Prices

SEC. 44. Section 2871 of said code is amended to read:

2871. The director shall from time to time, determine the price at which such articles, materials, and supplies, shall be sold, which price shall be as near the prevailing market price as possible.

Accounts, etc

SEC. 45. Section 2872 of said code is amended to read:

2872. The director shall establish and enforce a method and system of payments and accounts in connection with said purchases, sales, and deliveries.

Handiwork

SEC 46. Section 2877 of said code is amended to read:

2877. The director may provide for the manufacture of small articles of handiwork by the prisoners out of raw materials purchased by the prisoners with their own funds, which articles may be sold to the public at the state prisons. State-owned property shall not be sold or given to prisoners for use under this section. The director may provide that all or a part of the sale price of the articles be deposited to the account of the prisoner manufacturing the article.

Good behavior

SEC. 47. Section 2920 of said code is amended to read:

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 Adult Authority, 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 and allowed by the Adult Authority, 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

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.

SEC. 48. Section 2923 of said code is amended to read:

Forfeiture of credits

2923. If any prisoner shall assault any keeper, guard, foreman, officer, or any other person, or threaten or endanger the person or life of anyone, or violate or disregard any rule or regulation of the prison or of the department, the director, the Board of Corrections, or the Adult Authority, or neglect or refuse to do the work to which he is assigned, or be guilty of any misconduct, the Adult Authority may declare a forfeiture of any or all time credits theretofore earned by or allowed to him before the commission of such offense and/or all time credits which he may thereafter earn, or the Adult Authority may forefeit such part of such time credits as they may determine; such forfeitures, however, shall be made only by the Adult Authority after due proof of the offense and notice to the offender unless such offender be outside the walls of the prison as an escapee and fugitive from justice, and the Adult Authority may restore time credits forfeited for good cause shown.

SEC. 49. Section 2924 of said code is amended to read:

Hearing

2924. Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and an adjudication by the Adult Authority that such prisoner was guilty thereof, which adjudication shall be final. The Adult Authority may hold the hearing itself or authorize a committee of officials of the prison, including the warden, to hold the hearing and make its recommendations to the authority. At any hearing such prisoner, unless outside the walls of the prison as an escapee and a fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

SEC. 50. Section 2926 of said code is amended to read:

Applicability

2926. The provisions of this article are to apply to all prisoners serving sentence on December 31, 1947, in the state prison, to the end that at all times the same provisions relating to credits shall apply to all such inmates thereof. No prisoner received on or after January 1, 1948, at any state prison or institution under the jurisdiction of the Director of Corrections shall receive or be allowed any credits provided for in this article.

SEC. 51. Section 2940 of said code is amended to read:

Discharge

2940. Where the Adult Authority is authorized to fix and refix the term of imprisonment of a prisoner, such prisoner shall be discharged from custody upon the completion of said term so fixed or refixed and if the Adult Authority fails to fix the term of imprisonment the prisoner shall be discharged

upon the completion of the maximum punishment provided by law for the offense for which the prisoner was convicted.

SEC. 52. Section 2941 of said code is amended to read:

Same

2941. Where the Adult Authority is not authorized to fix or refix the term of imprisonment of a prisoner such prisoner shall be discharged only upon the completion of the specified term fixed by law.

SEC. 53. Section 2946 of said code is amended to read:

Funds

2946. The Adult Authority may draw moneys for the purposes of the preceding section in the amount of one thousand dollars ($1,000), without submitting vouchers thereon, which amount shall, from time to time, be replenished by demand upon any appropriation, made for the support of the authority, equal to the amount of the expenditures represented by vouchers submitted to the Department of Finance and filed with the Controller.

SEC. 54. Section 3020 of said code is amended to read:

Sentence determination

3020. In the case of all persons heretofore or hereafter sentenced under the provisions of Section 1168 of this code, the Adult Authority may determine and redetermine, after the expiration of six months, from and after the actual commencement of imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State; provided, however, that where the maximum sentence is five years or less, such determination may be made by the Adult Authority after a period of 90 days.

SEC. 55. Section 3021 of said code is amended to read:

Same Cumulative, etc., sentences

3021. When a prisoner has imposed upon him two or more cumulative or consecutive sentences, the Adult Authority may determine and redetermine after the expiration of six months of his first sentence, what length of time he shall serve on all such cumulative or consecutive sentences.

SEC. 56. Section 3022 of said code is amended to read:

Notice

3022. At least 30 days before the Adult Authority shall meet to fix and determine the length of time any prisoner shall be confined, the authority shall send written notice thereof to the judge of the superior court before whom the prisoner was tried and convicted, and to the district attorney and the sheriff of the county from which the prisoner was sentenced.

SEC. 57. Section 3040 of said code is amended to read:

Parole

3040. The Adult Authority shall have the power to allow prisoners imprisoned in the state prisons to go upon parole outside the prison walls and inclosures. The authority may parole prisoners in the state prisons to camps for paroled prisoners established under Article 5, Chapter 5, Title 1, Part 3 of this code.

SEC. 58. Section 3041 of said code is amended to read:

Minimum terms

3041. In any case the matter of parole may be determined by the Adult Authority at any time after the expiration of six months from and after the actual commencement of such imprisonment; provided, however, that where the maximum sen-

tence is five years or less, such determination may be made by the Adult Authority after a period of 90 days.

SEC. 59. Section 3042 of said code is amended to read:

Notice

3042. At least 30 days before the Adult Authority shall meet to consider the granting of a parole to any prisoner the authority shall send written notice thereof to the judge of the superior court before whom the prisoner was tried and convicted, and to the district attorney and the sheriff of the county from which the prisoner was sentenced.

SEC. 60. Section 3046 of said code is amended to read:

Life sentence

3046. No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years. The Adult Authority shall, in considering a parole for such prisoner, consider all statements and recommendations which may have been submitted by the judge, district attorney, and sheriff, pursuant to Section 1203.1, or in response to notices given under Sections 3022 and 3042, and recommendations of other persons interested in the granting or denying of such parole. The authority shall enter on its order granting or denying parole to such prisoners, the fact that such statements and recommendations have been considered by it. Such statements and recommendations shall, however, be and remain confidential.

SEC. 61. Section 3052 of said code is amended to read:

Regulations, etc

3052. The Adult Authority shall have power to establish and enforce rules and regulations under which prisoners in state prisons may be allowed to go upon parole outside the prison buildings and inclosures when eligible for parole.

SEC. 62. Section 3054 of said code is amended to read:

Civil rights

3054. The Adult Authority may permit paroled persons civil rights, other than the right to act as a trustee, or hold public office, or exercise the privilege of an elector, during the term of such parole. The scope or extent of such civil rights shall be such as, in the judgment of the authority, is for the best interest of society and such paroled person.

SEC. 63. Section 3055 of said code is amended to read:

Records

3055. The Adult Authority shall, at the time of permitting such civil rights, make a permanent record thereof, and such record shall be a public record for the benefit of all persons requiring information in that behalf.

SEC. 64. Section 3056 of said code is amended to read:

Parole Custody

3056. Prisoners on parole shall remain under the legal custody of the department and shall be subject at any time to be taken back within the inclosure of the prison.

SEC. 65. Section 3059 of said code is amended to read:

Parole Leaving State

3059. If any paroled prisoner shall leave the State without permission of the Adult Authority he shall be held as an escaped prisoner and arrested as such.

SEC. 66. Section 3062 of said code is amended to read:

Revocation

3062. The Governor of the State shall have like power to revoke the parole of any prisoner. The written authority of the Governor shall likewise be sufficient to authorize any peace

officer to retake and return said prisoner to the state prison. His written order revoking the parole shall have the same force and effect and be executed in like manner as the order of the chairman of the Adult Authority.

SEC. 67. Section 3075 of said code is amended to read:

Parole commissioners

3075. There is in each county a board of three parole commissioners, consisting of the sheriff, district attorney, and chief of police (or other chief or sole peace officer) of every city which is the county seat. As used in this article "board" and "county board" refer to the county board of parole commissioners provided for by this section.

SEC. 68. Section 3103 of said code is amended to read:

Adult Authority Duties

3103. The Adult Authority is hereby charged with the administration of the provisions of this article with respect to selective service paroles of prisoners in state prisons. The board of parole commissioners of each county is hereby charged with similar duties with respect to prisoners under their control. Said county boards, however, shall in the exercise of said duties cooperate with and conform to the pattern or system of selective service parole prescribed by the rules and regulations of the Adult Authority to the end that the functions of all said agencies shall be coordinated into a uniform system that will best meet the needs of National Selective Service.

SEC. 69. Section 3104 of said code is amended to read:

Special service paroles

3104. Special service paroles are paroles granted by the Adult Authority or by a county board of parole commissioners, as the case may be, to men in state prisons and county or city jails, who are qualified for service in the armed forces according to the National Selective Service Act and rules and regulations made pursuant thereto. Persons given this parole shall go directly from custody into the hands of military authorities and shall in no case be paroled to civilian life.

SEC. 70. Section 3107 of said code is amended to read:

Same Records

3107. The names and records of all men granted special service paroles shall be kept in the confidential files of the administrative agency, but shall be available to the Governor, the Attorney General, the Adult Authority, National Selective Service and the military authorities, including the commanding officer of any such parolee.

SEC. 71. Section 3113 of said code is amended to read:

Revocation

3113. The Adult Authority and the Governor shall have, over persons granted special service paroles, the same rights and powers of revocation as are now possessed in all other paroles as provided under this title.

SEC. 72. Section 3300 of said code is amended to read:

"Board"

3300. (a) As used in this title "board" refers to the Board of Trustees of the California Institution for Women.

SEC. 73. Section 3321 of said code is amended to read:

Bond

3321. The superintendent shall give a bond to the State in such form as may be prescribed by the department, but not less than ten thousand dollars ($10,000), conditioned upon the faithful discharge by her of her duties.

SEC. 74. Section 3327 of said code is amended to read:

3327. The department is authorized to provide the necessary facilities, equipment, and personnel to operate a commissary at said institution for the sale of toilet articles, candy, tobacco products, gum, notions, and other sundries. Commissary

SEC. 75. Section 3600 of said code is amended to read:

3600. Every male person, upon whom has been imposed the judgment of death, shall be delivered to the warden of the California state prison designated by the department for the execution of the death penalty, there to be kept until the execution of the judgment. Death penalty Males

SEC. 76. Section 3602 of said code is amended to read:

3602. Upon the affirmance of her appeal, the female person sentenced to death shall thereafter be delivered to the warden of the California state prison designated by the department for the execution of the death penalty, not earlier than three days before the day upon which judgment is to be executed; provided, however, that in the event of a commutation of sentence said female prisoner shall be returned to the California Institution for Women, there to be confined pursuant to such commutation. Same· Females

SEC. 77. Section 4700 of said code is amended to read:

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. Insanity, etc., hearings

SEC. 78. Section 4801 of said code is amended to read:

4801. The Adult Authority may report to the Governor from time to time the names of any and all persons imprisoned in any state prison who, in its judgment, ought to have a commutation of sentence or be pardoned out and set at liberty on account of good conduct, or unusual term of sentence, or any other cause which, in their opinion, should entitle the prisoner to a pardon or commutation of sentence. Recommendation for pardon etc

SEC. 79. Section 4802 of said code is amended to read:

Same Multiple offenders

4802. In the case of a person twice convicted of felony, the application for pardon or commutation of sentence shall be made directly to the Governor, who shall transmit all papers and documents relied upon in support of and in opposition to the application to the Adult Authority.

SEC. 80. Section 4803 of said code is amended to read:

Trial statement

4803. When an application is made to the Governor for pardon or commutation of sentence, or when an application has been referred to the Adult Authority, he or it may require the judge of the court before which the conviction was had, or the district attorney by whom the action was prosecuted, to furnish him or it, without delay, with a summarized statement of the facts proved on the trial, and of any other facts having reference to the propriety of granting or refusing said application, together with his recommendation for or against the granting of the same and his reason for such recommendation.

SEC 81. Section 4810 of said code is amended to read:

Adult Authority

4810. (a) The Adult Authority shall succeed to and shall exercise and perform all powers and duties granted to and imposed upon the Advisory Pardon Board by law.

(b) The Advisory Pardon Board is abolished.

(c) The report required of the Adult Authority by Section 4814 may be included in the report of the department.

SEC. 82. Section 4812 of said code is amended to read:

Investigation

4812. Upon request of the Governor the Adult Authority shall investigate and report on all applications for reprieves, pardons and commutation of sentence and shall make such recommendations to the Governor with reference thereto as to it may seem advisable. To that end the said authority shall examine and consider all applications so referred and all transcripts of judicial proceedings and all affidavits or other documents submitted in connection therewith, and shall have power to employ assistants and take testimony and to examine witnesses under oath and to do any and all things necessary to make a full and complete investigation of and concerning all applications referred to it. Members of the authority and its secretary are, and each of them is, hereby authorized to administer oaths.

SEC. 83. Section 4813 of said code is amended to read:

Same: Multiple offenders

4813. In the case of applications of persons twice convicted of felony, the Adult Authority, after investigation, shall transmit its written recommendation upon such application to the Governor, together with all papers filed in connection with the application.

SEC. 84. Section 4814 of said code is amended to read:

Annual report

4814. The Adult Authority shall, on or before the first day of December of each even numbered year, report to the Governor upon the status and history of matters under its consideration, together with an account of expenditures and such suggestions pertinent to its duties as may appear to be necessary and expedient.

SEC. 85. Section 4850 of said code is amended to read:

4850. No application which has not received a recommendation from the Adult Authority favorable to the applicant shall be forwarded to the Clerk of the Supreme Court, unless the Governor, notwithstanding the fact that the authority has failed to make a recommendation favorable to the applicant, especially refers an application to the justices for their recommendation. Applications

SEC. 86. Section 4851 of said code is amended to read:

4851. In all cases where the Adult Authority has made a recommendation favorable to the applicant and in those cases referred by the Governor, notwithstanding an adverse recommendation, the application, together with all papers and documents relied upon in support of and in opposition to said application, including prison records and recommendation of the authority, shall be forwarded to the Clerk of the Supreme Court for consideration of the justices. Forwarding Supreme Court

SEC. 87. Section 4852 04 of said code is amended to read:

4852.04. Each person who may initiate the proceedings provided for in this chapter shall be entitled to receive counsel and assistance from all rehabilitative agencies, including the adult probation officer of the county and all state parole officers, and, in the case of persons under the age of 30 years, from the Youth Authority. Counsel

SEC. 88. Section 4852.1 of said code is amended to read:

4852.1. The court in which the petition is filed may require such testimony as it deems necessary, and the production, for the use of the court and without expense of any kind to the petitioner, of all records and reports relating to the petitioner and the crime of which he was convicted, including the record of the trial, the report of the probation officer, if any, the records of the prison from which the petitioner has been released showing his conduct during the time he was there imprisoned, the records of the prison doctor and the prison psychiatrist, the records of the parole officer concerning him if he was released on parole, the records of the Youth Authority concerning him if he has been committed to the authority, the records of the chief of police or sheriff upon whom the notice of intention was served, and written reports or records of any other law enforcement agency concerning the conduct of the petitioner since his release on parole or discharge from custody. All persons having custody of any such records shall make them available for the use of the court in the proceeding. Testimony

SEC. 89. Section 4852.17 of said code is amended to read:

4852.17. Whenever a person is issued a certificate of rehabilitation or granted a pardon from the Governor under this chapter, the fact shall be immediately reported to the State Bureau of Criminal Identification and Investigation by the court, Governor, officer, or governmental agency by whose official action the certificate is issued or the pardon granted. The State Bureau of Criminal Identification and Investigation shall immediately record the facts so reported on the former Certificate-Report

criminal record of the person, and transmit such facts to the Federal Bureau of Investigation at Washington, D. C. When the criminal record is thereafter reported by said bureau, it shall also report the fact that the person has received a certificate of rehabilitation, or pardon, or both.

Pardon. Civil rights

Whenever a person is granted a full and unconditional pardon by the Governor, based upon a certificate of rehabilitation, the pardon shall entitle the person to exercise thereafter all civil and political rights of citizenship, including but not limited to: (1) the right to vote; (2) the right to own, possess, and keep any type of firearm that may lawfully be owned and possessed by other citizens; except that this right shall not be restored, and Sections 12001 and 12021 of the Penal Code shall apply, if the person was ever convicted of a felony involving the use of a dangerous weapon.

SEC. 90. Section 5052 of said code is amended to read:

Director of Corrections

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 department pursuant to Article 2 (commencing at Section 11180) of Chapter 2, Part 1, Division 3, Title 2, of the Government Code.

SEC. 91. Section 5055 of said code is amended to read:

Same. Powers

5055. All powers and duties granted to and imposed upon the Department of Corrections shall be exercised by the Director of Corrections, except where such powers and duties are expressly vested by law in the Adult Authority or the Board of Trustees of the California Institution for Women.

Whenever a power is granted to the Director of Corrections or a duty is imposed upon the director, the power may be exercised or the duty performed by a deputy of the director or by a person authorized pursuant to law by the director.

SEC. 92. Section 5057 of said code is amended to read:

Accounting system

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.

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. 93. Section 6003 of said code is amended to read:

Youth Authority

6003. The Youth Authority and the Director of Corrections may, pursuant to Section 11253 and Sections 11310 to 11314, inclusive, of the Government Code, provide for the performance of any of the duties or the exercise of any of the powers of the Youth Authority by the Department of Corrections,

subject to the direction and control of the Youth Authority, except that the power of classification and segregation of persons committed to the authority shall be exercised by the authority, and shall not be exercised by any other agency.

SEC. 94. Section 6052 of said code is amended to read:

6052. (a) On January 1, 1945 (hereinafter referred to as the effective date), the provisions of Article XXIV and the term "state civil service" shall include all officers and employees who on the effective date are within one of the following classes: Civil service

Class 1. Officers and employees (i) holding positions on July 1, 1944, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) either continuously for six months prior to January 1, 1945, in the service of the Board of Prison Directors, the wardens, the department, the director, or any of them or, if not in such service continuously, the lack of continuity was due to service for which a right to return to the position vacated is granted under the State Civil Service Act, and (iii) holding a position subject to Section 6051 on the effective date.

Class 2. Officers and employees (i) holding positions on July 1, 1944, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) on the effective date absent due to service for which a right to return is granted by the State Civil Service Act, and (iii) otherwise continuously for six months prior to January 1, 1945, employed in the service of the Board of Prison Directors, the wardens, the department or any of them.

(b) Such personnel shall be included in the state civil service in permanent positions subject to a probationary period pursuant to subdivision (e) of Section 5 of Article XXIV of the Constitution, the probationary period to begin with respect to Class 2 personnel from the date they resume their position.

(c) An officer or employee, directly or indirectly, entitled to or having permanent status under this section, who is displaced by one having a right of return shall be accorded the same rights to elect demotion in lieu of layoff granted by Sections 19530 to 19541, inclusive, of the Government Code as though he had had permanent status at all times in any previous position.

(d) The State Civil Service Act shall govern with respect to conflicting claims to the same position after the effective date, the same as though the position were at all times subject to civil service.

(e) After the effective date the director shall be the appointing authority for all positions not otherwise provided for and, pursuant to the State Civil Service Act, may employ and fix the compensation for the personnel for such positions.

(f) Appointees of the Governor and persons holding positions designated to be confidential pursuant to paragraph (5)

of subdivision (a) of Section 4 of Article XXIV (for the purposes of which paragraph the Adult Authority, the Youth Authority and the Director of Corrections shall be considered separate boards, commissions and officers) shall remain exempt from civil service.

(g) "Right of return" and "right to return" as used in this section refer to rights expressly provided by the State Civil Service Act to return to a position after military service in time of war or during a period of preparation for national defense or service as a seaman as described in Section 19393 of the Government Code, and refers to rights which may hereafter be granted expressly by the State Civil Service Act to return to a position after service to the Nation.

SEC. 95. Section 1782 of the Welfare and Institutions Code is amended to read:

Discharge, probation, etc.

1782. Such committing court may thereupon discharge the person, admit him to probation or may commit him to the state prison. The maximum term of imprisonment for a person committed to a state prison under this section shall be a period equal to the maximum term prescribed by law for the offense of which he was convicted less the period during which he was under the control of the Youth Authority. The Adult Authority may, upon the recommendation of the Youth Authority allow any such person time credit reductions from his term of confinement according to the table set forth in Section 2920 of the Penal Code for the time during which such person was under the control of the Youth Authority.

Repeals

SEC. 96. Sections 1999, 2002, 2003, 2004, 2005, 2006, 2007, 2049, 2070, 2539, 2599, 2699, 2869, 2919, 3001, 3330, 3599, 4700.1, and 5075.5 of the Penal Code are repealed.

CHAPTER 2257

An act to amend Sections 978, 1260, and 1280 of the California Unemployment Insurance Code, relating to unemployment insurance.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1280 of the California Unemployment Insurance Code is amended to read:

"Weekly benefit amount"

1280. An individual's "weekly benefit amount" is the amount appearing in column B in the following table opposite that wage bracket in column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$150- $179.99	$10
180- 209.99	11
210- 239.99	12
240- 269.99	13
270- 299.99	14
300- 329.99	15
330- 359.99	16
360- 389.99	17
390- 419.99	18
420- 449.99	19
450- 479.99	20
480- 509.99	21
510- 539.99	22
540- 569.99	23
570- 599 99	24
600- 629.99	25
630- 659.99	26
660- 689.99	27
690- 719.99	28
720- 749.99	29
750- 779.99	30
780- 809.99	31
810- 839 99	32
840- 879.99	33
880- 919.99	34
920- 959.99	35
960- 999.99	36
1,000- 1,039.99	37
1,040- 1,079.99	38
1,080- 1,119.99	39
1,120 and over	40

For the purposes of this section, when an individual has been paid remuneration which would be taxable except for the three thousand dollars ($3,000) limitation on taxable wages, the "quarter of his base period in which his wages were the highest" may be determined by allocating to any quarter of the calendar year falling within the base period that portion of the taxable wages which is equal to the amount of remuneration paid to him in that quarter or one thousand one hundred twenty dollars ($1,120), whichever is the lesser. The term "remuneration" as used in this section means taxable wages as well as wages which would be taxable except for the three thousand dollars ($3,000) limitation on taxable wages.

SEC. 2. Section 978 of the Unemployment Insurance Code is amended to read:

978. After December 31, 1957, employers shall pay into the Unemployment Fund contributions upon all wages with respect to employment at the following rates. Contribution rates

If, as of the computation date the employer's net balance of reserve equals or exceeds that percentage of his average base pay roll which appears on any line in column 1 of the following table, but is less than that percentage of his average base pay roll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

Line	Column 1	Column 2	Column 3 (Contribution rate)
1	0%	7.5%	2.7%
2	7.5%	8.0%	2.5%
3	8.0%	8.5%	2.5%
4	8.5%	9.0%	2.3%
5	9.0%	9.5%	2.0%
6	9.5%	10.0%	1.8%
7	10.0%	10.5%	1.5%
8	10.5%	11.0%	1.3%
9	11.0%	12.0%	1.0%
10	12.0%	13.0%	0.9%
11	13.0%	14.0%	0.8%
12	14.0%	15.0%	0.7%
13	15.0%	16.0%	0.6%
14	16.0%	17.0%	0.5%
15	17.0%	18.0%	0.4%
16	18.0%	100%	0.3%

SEC. 3. Section 1260 of the Unemployment Insurance Code is amended to read:

Disqualified persons

1260. If an individual is disqualified under Section 1256, under a determination transmitted to him by the department, he is ineligible to receive unemployment compensation benefits for the week subsequent to the occurrence of the cause of his disqualification in which he first registers for work and for the four weeks which immediately follow that week. If an individual is disqualified under Section 1257, under a determination transmitted to him by the department, he is ineligible to receive unemployment compensation benefits for the week subsequent to the occurrence of the cause of his disqualification in which he first registers for work and for not more than nine weeks which immediately follow that week. An individual so disqualified shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown.

Survival of rights, etc

SEC. 4. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

New claims

SEC. 5. The provisions of Section 1280 of the Unemployment Insurance Code as amended at the 1957 Regular Session of the Legislature shall be applicable to new claims for unem-

ployment compensation benefits filed on and after the effective date of this act. The provisions of said Section 1280 as they existed prior to the effective date of the amendments enacted at the 1957 Regular Session of the Legislature shall remain applicable to new claims filed prior to the effective date of this act.

CHAPTER 2258

An act to amend Section 4501 of, to add Section 4501.5 to, and to repeal Section 9702 of, the Elections Code, relating to the reporting of campaign contributions and expenditures.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4501 of the Elections Code is amended to read:

4501. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or municipal office in a general law or chartered city at any election or primary conducted within this State. "Candidate" also includes persons seeking election to a county central committee at the direct primary election. "Candidate"

SEC. 2. Section 4501.5 is added to said code, to read:

4501.5. A candidate or nominee for a municipal office need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars ($200). Campaign statement

SEC. 3. Section 9702 of said code is repealed. Repeal

CHAPTER 2259

An act to add Section 23366.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 23366.5 is added to the Business and Professions Code, to read:

23366.5. A wine grower's license, brandy manufacturer's license or a distilled spirits manufacturer's agent's license also authorizes the solicitation of orders for and on behalf of any licensee for the sale to other licensees of wine or brandy produced or manufactured in this State.

CHAPTER 2260

An act to amend Sections 20355, 20356 and 20358 of the Education Code, relating to state college student housing facilities, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20355 of the Education Code is amended to read:

Establishment

20355. Student housing facilities may be established and maintained at any state college for the accommodation of students of the college.

SEC. 2. Section 20356 of said code is amended to read:

Rents, etc.

20356. The Director of Education, with the approval of the Director of Finance, shall fix the rents, charges, and fees to be required of students utilizing student housing facilities operated by a state college, but such rents, charges, and fees shall be fixed to yield not less than the annual revenue required to meet annual operating and maintenance expenses, including repairs and the replacement of equipment.

All rents, charges, and fees collected by any state college pursuant to this section shall be paid into a working capital revolving fund in the State Treasury, to be designated the College Auxiliary Enterprise Fund, which fund is hereby created.

All money in the College Auxiliary Enterprise Fund is hereby appropriated to the department for the maintenance, repair, and operation of student housing facilities established under the provisions of this section and for the construction, including repayment of loans or advances for initial costs, improvement, and equipment of such student housing facilities pursuant to the provisions of this section, and for the payment of refunds of rents, charges, and fees to any person entitled thereto, as determined by the department in accordance with law.

SEC. 3. Section 20358 of said code is amended to read:

Applicability

20358. The provisions of Sections 20356 and 20357 shall not apply to student housing facilities provided for by Article 10 of this chapter or to student housing facilities at the California State Polytechnic College until the time that student housing facilities funded by the Budget Act of 1957 are available for occupancy.

CHAPTER 2261

An act to add Sections 115.1, 115.2, and 1113 to, and to amend Sections 301, 830, 1101, 1109, 1110, 1111, 1500, 1506, 1507, 1702, 1902, 2215, 2402, 3601, 3630, 3631, 3636, 3638, 3670,

3671, 3672, 3702, 4105, 4107, 4113, 4118, 4119, 4124, 4300, 4302, 4316, 4605, 5200, 5204, 6504, 13200, 13201, 13202, 13204, 13206, 13207, and 13240 of the Corporations Code, relating to corporations and associations.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 115.1 is added to the Corporations Code, to read:

115.1. A "stock split" is the pro rata division, otherwise than by a share dividend, of all the outstanding shares of a class into a greater number of shares of the same class, with or without a change in their par value or from no par value to par value or vice versa, and may be accomplished only by an amendment of the articles of incorporation stating the intended effect on outstanding shares. "Stock split"

SEC. 2. Section 115.2 is added to said code, to read:

115.2. A "reverse stock split" is the pro rata combination of all the outstanding shares of a class into a smaller number of shares of the same class, with or without a change in their par value or from no par value to par value or vice versa, and may be accomplished only by an amendment of the articles of incorporation stating the intended effect on outstanding shares. "Reverse stock split"

SEC. 2.5. Section 301 of said code is amended to read:

301. Articles of incorporation shall set forth: Articles of incorporation

(a) The name of the corporation.

(b) The purposes for which it is formed, including a statement in a separate paragraph identifying the specific business in which the corporation is primarily to engage.

(c) The county in this State where the principal office for the transaction of the business of the corporation is located.

(d) The number of its directors, which shall be not less than three; and the names and addresses of the persons who are appointed to act as the first directors. The number so stated constitutes the authorized number of directors until changed by amendment of the articles or, unless the articles provide otherwise, by a by-law duly adopted by the shareholders. However, the articles or, unless the articles provide otherwise, a by-law duly adopted by the shareholders, may state that the number of directors shall be not less than a stated minimum (which in no case shall be less than five) nor more than a stated maximum (which in no case shall exceed such stated minimum by more than three); and in the event that the articles or by-laws permit such an indefinite number of directors, the exact number of directors shall be fixed, within the limits specified in the articles or by-laws, by a by-law or amendment thereof duly adopted by the shareholders or by the board of directors. In the event the articles provide for an indefinite number of directors, unless the articles provide

otherwise, such indefinite number may be changed, or a definite number fixed without provision for an indefinite number, by a by-law duly adopted by the shareholders.

SEC. 3. Section 830 of said code is amended to read:

Suits Directors' expenses

830. (a) When a person is sued, either alone or with others, because he is or was a director, officer, or employee of a corporation, domestic or foreign, in any proceeding arising out of his alleged misfeasance or nonfeasance in the performance of his duties or out of any alleged wrongful act against the corporation or by the corporation, indemnity for his reasonable expenses, including attorneys' fees incurred in the defense of the proceeding, may be assessed against the corporation, its receiver, or its trustee, by the court in the same or a separate proceeding, if both of the following conditions exist:

(1) The person sued is successful in whole or in part, or the proceeding against him is settled with the approval of the court.

(2) The court finds that his conduct fairly and equitably merits such indemnity.

The amount of such indemnity shall be so much of the expenses, including attorneys' fees, incurred in the defense of the proceeding, as the court determines and finds to be reasonable.

(b) Application for such indemnity may be made either by a person sued or by the attorney or other person rendering services to him in connection with the defense, and the court may order fees and expenses to be paid directly to the attorney or other person, although he is not a party to the proceeding.

(c) Notice of the application for such indemnity shall be served upon the corporation, its receiver, or its trustee, and upon the plaintiff and other parties to the proceeding.

The court may order notice to be given also to the shareholders in the manner provided in this division for giving notice of shareholders' meetings, in such form as the court directs.

(d) This section applies to all proceedings specified in subdivision (a), whether brought by the corporation, its receiver, its trustee, one or more of its shareholders or creditors, any governmental body, any public official, or any private person or corporation, domestic or foreign.

(e) The rights and remedy provided by this section are exclusive. The awarding of indemnity for expenses, including attorneys' fees, to parties to such proceedings, whether terminated by trial on the merits or by settlement or dismissal, shall be made only upon order of court pursuant to this section. and shall not be governed by any provision in the articles or by-laws of the corporation or by resolution or agreement of the corporation, its directors, or its shareholders.

(f) Notwithstanding the provisions of subdivisions (a), (b), (c), (d) and (e) of this section, the board of directors may authorize a corporation to pay expenses incurred by, or to

satisfy a judgment or fine rendered or levied against, a present or former director, officer or employee of the corporation in an action brought by a third party against such person (whether or not the corporation is joined as a party defendant) to impose a liability or penalty on such person for an act alleged to have been committed by such person while a director, officer or employee, or by the corporation, or by both; provided, the board of directors determines in good faith that such director, officer or employee was acting in good faith within what he reasonably believed to be the scope of his employment or authority and for a purpose which he reasonably believed to be in the best interests of the corporation or its shareholders. Payments authorized hereunder include amounts paid and expenses incurred in settling any such action or threatened action. This subdivision (f) does not apply to any action instituted or maintained in the right of the corporation by a shareholder or holder of a voting trust certificate representing shares of the corporation.

(g) The provisions of this section shall apply to the estate, executor, administrator, heirs, legatees or devisees of a director, officer or employee, and the term "person" where used in the foregoing subdivisions of this section shall include the estate, executor, administrator, heirs, legatees or devisees of such person.

SEC. 4. Section 1101 of said code is amended to read:

Redemption

1101. If the articles make any class or series of shares subject to redemption, the right of redemption shall be exercisable at the option of the corporation only, but the articles may provide for the setting aside of a sinking fund or funds which may be required to be applied to the purchase or redemption of such shares. Any such sinking fund may be measured by the net earnings of the corporation for any year or years or by an amount sufficient to redeem a specified percentage or number of shares, or by any combination of such measures. The application of sinking fund moneys to the purchase or redemption of such shares shall be subject to the provisions of Chapter 4 of this part.

SEC. 5. Section 1109 of said code is amended to read:

Consideration for issue of shares

1109. No shares of stock, with or without par value, shall be issued except in consideration of any or all of the following:

(a) Money paid.

(b) Labor done.

(c) Services actually rendered.

(d) Debts or securities canceled.

(e) Tangible or intangible property actually received by the issuing corporation.

(f) Amounts transferred from surplus to stated capital upon the issue of shares as a dividend.

(g) Amounts transferred from surplus to stated capital upon a stock split, reverse stock split, reclassification of outstanding shares into shares of another class, conversion of outstanding shares into shares of another class, exchange of

outstanding shares for shares of another class, increase in the per-share par value, or other change affecting outstanding shares, which results in an increase in the aggregate par value of the outstanding shares.

This section does not forbid or limit the power of a corporation to effect a transfer of earned surplus to paid-in surplus in accordance with Section 1506.

A corporation is not required to transfer amounts from surplus to stated capital upon a stock split, reverse stock split, reclassification, conversion, exchange, change in per-share par value, or other change affecting outstanding shares, if the aggregate par value of the shares outstanding immediately after such change is not greater than the aggregate par value of the shares outstanding immediately prior thereto.

If authorized in its articles or by-laws, a corporation may issue the whole or any part of its shares or its certificates for shares prior to full payment under such restrictions as are imposed by this division.

SEC. 6. Section 1110 of said code is amended to read:

Par value

1110. The value of the consideration to be received by a corporation for the issue of shares having par value shall be at least equal to the par value thereof, except that:

(a) A corporation may issue par value shares, as fully paid up, at less than par, if the board of directors determines that such shares cannot be sold at par.

(b) A corporation may issue securities convertible into fully paid shares having par value at a price less than the par value of the shares issuable on conversion if the board of directors determines that such securities cannot be sold unless made convertible into par value shares at the price fixed, less than par.

(c) A corporation may issue options to purchase fully paid shares having par value at a price less than their par value, if the board of directors determines that the issuance of such options is in the best interests of the corporation.

Shares issued at their par value shall be deemed fully paid despite the payment of commissions or other compensation to agents or purchasers in connection with the sale thereof.

SEC. 7. Section 1111 of said code is amended to read:

No-par shares

1111. Subject to any limitations in the articles or by-laws, the consideration to be received by a corporation for the issue of shares without par value or upon the exercise of rights to convert other securities into, or to purchase, shares without par value shall be such as may be determined to be reasonable by the board of directors.

SEC. 8. Section 1113 is added to said code, to read:

Scrip, fractional shares, etc.

1113. In the absence of a contrary provision in the articles or by-laws, a corporation shall not be obligated (a) to issue either a fraction of a share or a scrip or other certificate evidencing such fraction if the corporation shall in lieu thereof pay to the person who would otherwise be entitled to such fraction the fair value thereof as determined by the board

of directors, or (b) to permit or recognize transfers of less than a whole share if the corporation shall agree to purchase such fraction at the fair value thereof as determined by the board of directors. Such determination of fair value shall be conclusive in the absence of fraud.

SEC. 9. Section 1500 of said code is amended to read:

1500. A stock corporation may declare dividends payable in cash or in property only as specified in one of the following subdivisions: Dividends

(a) Out of earned surplus.

(b) Out of net profits earned during the preceding accounting period, which shall not be less than six months nor more than one year in duration. The corporation may declare dividends out of such net profits despite the fact that the net assets of the corporation amount to less than the stated capital; but if the value of the net assets amounts to less than the aggregate amount of stated capital attributed to shares having liquidation preferences, because of depreciation, depletion, losses, or other cause, the corporation shall not declare dividends out of net profits pursuant to this subdivision except upon such shares, until the value of the net assets has been restored to the aggregate amount of the stated capital attributed to outstanding shares having liquidation preferences.

(c) Out of surplus arising from reduction of stated capital, subject to the provisions of Chapter 5 of this part, or out of paid-in surplus; provided, that if any outstanding shares are entitled to preferential dividends, dividends may be paid pursuant to this subdivision (c) only upon such shares.

Prior to or concurrently with the payment of dividends pursuant to this subdivision (c) the corporation shall give notice of their source to the shareholders receiving them.

SEC. 10. Section 1506 of said code is amended to read:

1506. If a dividend declared in shares having a par value is paid, the aggregate par value of the shares shall be deducted from the surplus from which the dividend is declared and added to stated capital. Share dividends

If a dividend declared in shares without par value is paid, there shall be deducted from the surplus from which the dividend is declared and added to stated capital the aggregate involuntary liquidation preferences of any preferred shares included in the dividend, and an amount per common share (or share having no liquidation preference) included in the dividend equal to the per-share stated capital attributable immediately preceding the payment of the dividend to the outstanding shares of the class to which the shares included in the dividend belong, or if no such shares are outstanding, then there shall be deducted from the surplus from which the dividend is declared and added to stated capital the estimated fair value of the shares issued as a dividend, as determined and stated by resolution of the board of directors.

Upon the payment of a share dividend from earned surplus, an amount equal to the excess, if any, of the estimated fair

value of the shares issued as a dividend, as determined and stated by resolution of the board of directors, over the amount required to be transferred to stated capital in accordance with this section may be deducted from earned surplus and added to paid-in surplus.

Upon the payment of a dividend payable in shares notice shall be given to the shareholders of the amount per share transferred from surplus and of the particular surplus from which the amount was transferred.

SEC. 11. Section 1507 of said code is amended to read:

Stock split

1507. The provisions of this chapter relating to share dividends do not forbid or limit the power of a corporation to effect a stock split without transferring surplus to stated capital; provided, the aggregate par value of the shares outstanding immediately thereafter is not greater than the aggregate par value of the shares outstanding immediately prior thereto. Upon effecting a stock split of shares without par value, the shareholders shall be given notice of the book value of each affected share prior and subsequent thereto.

SEC. 13. Section 1702 of said code is amended to read:

Redemption notice

1702. If the corporation gives notice of redemption pursuant to Section 1701, it shall also mail a copy of the notice of redemption, postage prepaid, to each holder of shares to be redeemed of record as of the date of mailing or date of record fixed in accordance with Section 2214, addressed to the holder at his address appearing on the books of the corporation or given by him to the corporation for the purpose of notice, or if no such address appears or is given, at the place where the principal office of the corporation is located, not earlier than sixty (60) nor later than twenty (20) days before the date fixed for redemption. Failure to comply with this section does not invalidate the redemption of the shares.

SEC. 15. Section 1902 of said code is amended to read:

Stated capital Changes

1902. Unless proceedings for the reduction of stated capital are taken pursuant to this chapter, the stated capital of a corporation is not reduced by a stock split, reverse stock split, reclassification of outstanding shares into shares of another class, exchange of outstanding shares for shares of another class, decrease in the per-share par value, or other change affecting outstanding shares, which results in the shares outstanding immediately thereafter having an aggregate par value less than the aggregate par value of, or stated capital attributable to, the shares outstanding immediately prior thereto.

Upon a stock split, reverse stock split, reclassification of outstanding shares into shares of another class, exchange of outstanding shares for shares of another class, increase in the per-share par value or other change affecting outstanding shares, which results in the aggregate par value of the shares outstanding immediately thereafter being in excess of the aggregate par value of, or stated capital attributable to, the shares outstanding immediately prior thereto, the stated capital of the corporation shall be increased, in the manner provided in Section 1903, by an amount equal to such excess.

SEC. 16. Section 2215 of said code is amended to read:

Voting rights

2215. Subject to the provisions of Sections 2218 to 2223, inclusive, only persons in whose names shares entitled to vote stand on the stock records of the corporation on the day three days prior to any meeting of shareholders, or, if some other day is fixed for the determination of shareholders of record, then on such other day, are entitled to vote at the meeting. In the absence of any contrary provision in the articles or in any statute relating to the election of directors or to other particular matters, each such person is entitled to one vote for each share. The articles or by-laws may provide that a fraction of a share shall not be entitled to any voting rights whatsoever.

SEC. 16.5. Section 2402 of said code is amended to read:

Series, classes

2402. If the shares of the corporation are classified or if any class of shares has two or more series, the certificate shall contain one of the following:

(a) A statement of the rights, preferences, privileges, and restrictions granted to or imposed upon the respective classes or series of shares and upon the holders thereof as established by the articles or by any certificate of determination of preferences, and the number of shares constituting each series and the designations thereof.

(b) A summary of such preferences, privileges, and restrictions with proper references to the provisions of the articles or certificate or certificates of determination of preferences establishing same.

(c) A statement setting forth the office or agency of the corporation from which stockholders may obtain a copy of the statement mentioned in subdivision (a) or the summary mentioned in subdivision (b). If the stock certificates of the corporation do not contain either the statement mentioned in subdivision (a) or the summary mentioned in subdivision (b), the corporation shall furnish to its stockholders, upon request and without charge, a copy of such statement or summary.

If the board of directors has authority to fix the dividend rights, dividend rate, conversion rights, voting rights, rights and terms of redemption (including sinking fund provisions), the redemption price or prices, or the liquidation preferences of any wholly unissued class or of any wholly unissued series of any class of shares, or the number of shares constituting any unissued series of any class of shares, or designations of such series, or all or any of them, the certificate shall also contain a statement of that fact.

SEC. 17. Section 3601 of said code is amended to read:

Amendment of articles

3601. By complying with the provisions of this chapter, a corporation may amend its articles for any or all of the following purposes:

(a) To increase or decrease the authorized number of its shares of any class, issued or unissued, or the par value thereof; or to increase or decrease the authorized number of shares of any series, issued or unissued.

(b) To provide for the classification of its shares, or for the subdivision of any class or classes of shares into series, in which event there shall be set forth a statement of the number of shares of each class or series and of the preferences, rights, privileges, and restrictions granted to or imposed upon the respective classes or series of shares or the holders thereof.

(c) To change the statement, as to shares issued or unissued, of the classification of shares or of the subdivision of any class of shares into series, or of the preferences, rights, privileges, or restrictions of the shares of any class or series, or to repeal the statement of classification of shares, or of the subdivision of any class of shares into series.

(d) To authorize the board of directors, within limitations and restrictions stated in the amendment, to fix or alter the dividend rights, dividend rate, conversion rights, voting rights, the rights and terms of redemption (including sinking fund provisions), the redemption price or prices, or the liquidation preferences of any wholly unissued class or of any wholly unissued series of any class of shares, or the number of shares constituting any unissued series of any class and the designations of such series, or all or any of them; or to increase or decrease (but not below the number of shares of such series then outstanding) the number of shares constituting any outstanding series the number of shares of which was fixed by the directors.

(e) To reclassify shares, whether or not outstanding, of any class or series, in whole or pro rata in part, into shares of another class or series; to effect a stock split or a reverse stock split; to change shares without par value into the same or a different number of shares with par value, or vice versa.

(f) To create classes of par value shares together with classes of shares without par value, or to create classes of shares of different par values, or to restrict, limit, create, or enlarge the voting rights of certain classes of shares, or to grant to any class or classes of shares pre-emptive rights to subscribe for shares, or to enlarge or restrict or revoke existing pre-emptive rights of any class or classes of shares.

SEC. 18. Section 3630 of said code is amended to read:

Adoption before issue of shares

3630. Before any shares have been issued or subscriptions for shares have been accepted, or before any members of a non-stock corporation other than the incorporators have been admitted, any amendment of the articles may be adopted by a writing signed by two-thirds of the incorporators of the corporation, or in the case of a stock corporation by resolution adopted by not less than two-thirds of the members of the board of directors.

SEC. 19. Section 3631 of said code is amended to read:

Wording

3631. The resolution of the board of directors and the resolution or consents of the shareholders approving any amendment, or the writing signed by the incorporators, shall

establish the wording of the amendment or amended articles by one or more of the following means:

(a) By providing that the articles shall be amended to read as therein set forth in full.

(b) By providing that any provision of the articles, which shall be identified by the numerical or other designation given it in the articles or by stating the wording thereof, shall be stricken from the articles or shall be amended to read as set forth in full in the resolution or consent or writing.

(c) By providing that the matter therein stated shall be added to the articles.

If the purpose of the amendment is to effect a stock split or reverse stock split or to reclassify or otherwise change outstanding shares, the amendment or amended articles shall state the effect thereof on outstanding shares.

The wording of any provision proposed to be amended or stricken from the articles or readopted and restored shall be deemed to be that which is contained in the original articles, unless such wording has been changed pusuant to a statute which expressly authorized the amendment of articles, in which event such wording shall be deemed to be that which is provided for in the document or documents filed for the purpose of making such amendment effective. No change which has become effective pursuant to any statute which did not expressly provide for the amendment of articles shall be deemed to have the effect of impliedly amending the affected provision of the articles so as to read in conformity with such change.

SEC. 20. Section 3636 of said code is amended to read:

Stock split

3636. The requirements of Sections 3634 and 3635 with respect to the vote or written consent of shareholders do not apply to any amendment referred to in those sections the purpose of which is merely to effect a stock split or reverse stock split.

SEC. 21. Section 3638 of said code is amended to read:

New class or series

3638. If any amendment of the articles would create a new class or series of shares not theretofore authorized by the articles, or would increase the authorized number of shares of any existing class or series, whether or not the amendment would result in the increase of the total authorized number of shares of the corporation, the vote or written consent of shareholders required for the approval of the amendment shall include the vote or written consent of the holders of a majority of all outstanding shares of the corporation, regardless of limitations or restrictions on the voting power thereof, and such vote or written consent shall be sufficient for approval of the amendment regardless of the relative priority, preferences, rights, or restrictions of the new class or series of shares and shares outstanding.

If the articles require the vote or written consent of the holders of any specified percentage or fraction of the outstanding shares of any one or more classes or series for the approval

of any such amendment, the approval shall include the vote or written consent of shareholders required by the articles in addition to the vote or written consent of the holders of a majority of all outstanding shares.

SEC. 22. Section 3670 of said code is amended to read:

Filing, etc

3670. Upon the adoption of any amendment to the articles a certificate stating the manner of adoption shall be executed and filed as provided in this article.

If the amendment be adopted before any shares have been issued and while no subscription to shares is outstanding, or before any member of a nonstock corporation other than the incorporators have been admitted, the certificate shall conform to the requirements of Section 3671.

If the amendment be adopted after any shares have been issued or while any subscription to shares is outstanding prior to the issue of any shares, or members other than the incorporators have been admitted by a nonstock corporation, the certificate shall conform to the requirements of Section 3672.

SEC. 23. Section 3671 of said code is amended to read:

Adoption by incorporators

3671. In the case of amendments adopted by the incorporators the certificate shall show that the signers thereof constitute at least two-thirds of the incorporators, and that they adopt the amendment or amendments therein set forth. In the case of a stock corporation the certificate shall set forth that it has issued no shares and has no subscription to shares outstanding and if the amendment or amendments be adopted by the directors the certificate shall also set forth a copy of the resolution or resolutions by which the amendment or amendments were adopted and show that the resolution or resolutions were adopted by the vote of at least two-thirds of the board of directors. If the amendment or amendments be adopted by the incorporators the certificate shall be signed by not less than two-thirds of the incorporators, or if the amendment or amendments be adopted by the directors the certificate shall be signed by not less than two-thirds of the board of directors, and, in either case, the certificate shall be verified by the signed affidavits of the persons signing the certificate stating, in effect and under oath, that the matters set forth in the certificate are true of their own knowledge. In the case of a nonstock corporation the certificate shall set forth that the corporation has admitted no members other than the incorporators. The certificate shall be signed by at least two-thirds of the incorporators, and shall be verified by their signed affidavit stating, in effect and under oath, that the matters set forth in the certificate are true of their own knowledge.

SEC. 24. Section 3672 of said code is amended to read:

Certification of amendment

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.

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.

SEC. 25. Section 3702 of said code is amended to read:

3702. A certificate of amendment shall be made setting forth the vote or consent by which the amendment was effected, in the manner and with the effect prescribed by Article 3 of this chapter. Vote

In the case of an amendment adopted subsequent to the expiration of the term of corporate existence, the certificate of amendment shall also set forth that the corporation, after the expiration of the term of its corporate existence and up to

the date of the amendment, continuously acted as a corporation and did business as such.

SEC. 26. Section 4105 of said code is amended to read:

Merger

4105. If the agreement is for a merger, it shall state any matters with respect to which the articles of the surviving corporation are amended, and the articles shall be amended accordingly, without any further proceedings, upon the filing of the agreement with the Secretary of State, but with respect to any such amendments, the agreement shall meet the requirements of Section 3631 in identifying any provision to be amended, stricken or added and shall set forth in full the wording of the provision as amended or added or the wording of the amended articles if they be amended in full.

If, between the date of the agreement of merger and the date of its filing with the Secretary of State, the surviving corporation acquires any of its shares, the reissue of which is prohibited by its articles, then whether or not the articles are amended pursuant to Section 1713 prior to the date of such filing, the authorized number of shares of the class or series to which such acquired shares belong is reduced to the number outstanding on the date of the filing of the agreement of merger with the Secretary of State, and the articles of incorporation or the agreement of merger shall promptly be amended in accordance with Section 1713 to reflect such reduction in authorized shares or the elimination of such class or series if all the authorized shares thereof shall have been so acquired.

SEC. 27. Section 4107 of said code is amended to read:

Approval: Majority

4107. The agreement shall be approved by the vote of the holders of not less than two-thirds of the issued and outstanding shares of each class, regardless of limitations or restrictions on the voting power thereof, of each corporation, entitled to vote at a meeting duly called upon notice of the time, place, and purpose thereof, duly given to each shareholder at least 20 days prior to the date of the meeting, except that notice of the time, place and purpose of any such meeting may be waived as provided in Section 2209. Unless the notice be waived, there shall be mailed with the notice of the meeting a statement of the general terms of the proposed agreement. Different series of the same class of shares shall not constitute different classes of shares for the purpose of voting by classes. Any holder of shares entitled to vote at the meeting may vote part of the shares to approve the agreement of merger or consolidation and refrain from voting the remaining shares in favor of the agreement, but if he fails to specify the number of shares he is voting to approve the agreement, it will be conclusively presumed that his approving vote is with respect to all shares which he is entitled to vote.

The articles of incorporation may require the vote of the holders of any greater percentage or fraction of the outstanding shares of any one or more classes for the approval of any merger or consolidation than would otherwise be required

under this article, but in no case may the articles prohibit any merger or consolidation authorized by this chapter.

SEC. 28. Section 4113 of said code is amended to read:

Filing merger agreement

4113. The executed agreement, or an executed counterpart thereof, to which shall be attached a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion a permit is not required under the provisions of the Corporate Securities Law, and the respective certificate of each constituent corporation and of the surviving corporation shall be separately filed with the Secretary of State, and shall thereupon become effective, and the several parties thereto shall be one corporation. Neither the agreement nor any certificate shall be filed however until there has been filed with the Secretary of State by or on behalf of each corporation taxed under the Bank and Corporation Franchise Tax Act, the existence of which is terminated by the merger or consolidation, the certificate of satisfaction of the Franchise Tax Board that all taxes imposed by said act have been paid or secured.

SEC. 29. Section 4118 of said code is amended to read:

Merger of domestic and foreign corporations

4118. The merger or consolidation of any number of domestic corporations with any number of foreign corporations may be effected if the foreign corporations are authorized by the laws of the state or place under which they are formed to effect such a merger or consolidation.

In the case of consolidation, the consolidated corporation may be a corporation organized under the laws of any state under which any one of the constituent corporations is organized. In the case of merger, the surviving corporation may be any one of the constituent corporations and shall be deemed to continue to exist under the laws of the state of its incorporation.

If the consolidated or surviving corporation be a domestic corporation, then the consolidation or merger proceedings with respect to that corporation shall conform to the provisions of this article governing the consolidation or merger of domestic corporations, or pursuant to Section 4124, but if the consolidated or surviving corporation be a foreign corporation, then, subject to the requirements of Sections 4107 and 4119, the consolidation or merger proceedings may be in accordance with the laws of the state of incorporation or proposed incorporation of the consolidated or surviving corporation.

SEC. 29.5. Section 4119 of said code is amended to read:

Filing agreement

4119. If the consolidated or surviving corporation be a domestic corporation, the agreement and certificate of such corporation as well as the certificate of each constituent domestic corporation shall be filed in the Office of the Secretary of State and thereupon the consolidation or merger shall be effective as to any such domestic corporation. There shall be attached to the agreement a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the

provisions of the Corporate Securities Law. Each constituent foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the Office of the Secretary of State a copy of the agreement, certificate or other instrument filed in the state or place of its incorporation for the purpose of effecting the consolidation or merger and each such document shall be certified by the public officer having official custody of the original. Copies of the agreement shall be filed as provided in Section 4114.

If the consolidated or surviving corporation be a foreign corporation, each constituent, consolidated or surviving foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the Office of the Secretary of State a copy of the agreement, certificate or other document filed in the state of its incorporation for the purpose of effecting the consolidation or merger and each such document shall be certified by the public officer having official custody of the original. A certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the provisions of the Corporate Securities Law shall be attached to the copy of the agreement, certificate or other document presented to the Office of the Secretary of State for filing. Each constituent domestic corporation shall file in the Office of the Secretary of State a copy of the agreement, certificate or other document filed by the consolidated or surviving foreign corporation in the state of its incorporation for the purpose of effecting the consolidation or merger which copy shall be certified by the public officer having official custody of the original, or, in lieu thereof, an executed counterpart of the agreement or certificate executed by such domestic corporation for the purpose of effecting the consolidation or merger, and thereupon the consolidation or merger shall be effective as to such domestic corporation. Copies of such agreement, certificate or other document shall be filed by each qualified foreign corporation and by each constituent domestic corporation as provided in Section 4114.

SEC. 30. Section 4124 of said code is amended to read:

Merger with wholly owned subsidiary

4124. Any corporation existing under the laws of this State and owning all the outstanding stock of any other domestic or foreign corporation may merge such wholly owned subsidiary corporation, if the laws under which the subsidiary corporation exists permits a merger as in this section provided, by filing in the Office of the Secretary of State a certificate of ownership in its name signed by its president or a vice president and its secretary or an assistant secretary which 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:

(a) That it owns all the outstanding stock of the merged corporation.

(b) A copy of the resolution adopted by a majority of its board of directors to merge such other corporation and to assume all of its obligations.

(c) The time and place of the meeting of the board of directors at which said resolution was adopted and the vote by which it was adopted.

Thereupon, all of the estate, property, rights, privileges and franchises of the merged corporation shall vest in and be held and enjoyed by the parent corporation as fully as the same were before held and enjoyed by the merged corporation but subject to all liabilities and obligations of the merged corporation and the rights of all creditors thereof. The parent corporation shall not, however, thereby acquire the right to engage in any business or to exercise any right, privilege or franchise of a kind which it could not lawfully engage in or exercise under the law under which it exists. The parent corporation shall be deemed to have assumed all the liabilities and obligations of the merged corporation, and shall be liable in the same manner as if it had itself incurred such liabilities and obligations.

The parent corporation may adopt the name of the merged corporation in place of its own by appropriate provision in the resolution of merger amending its articles for that purpose but the articles may not be amended in any other respect by the certificate of merger. The resolution shall identify the article or provision being amended in the manner prescribed by Section 3631 and shall set forth in full the amended article or provision as amended.

If the merged subsidiary is a domestic corporation a copy of the certificate shall be filed in the Office of the Secretary of State on behalf of the domestic subsidiary. If the merged subsidiary is a foreign corporation qualified for the transaction of intrastate business in this State there shall be filed in the Office of the Secretary of State on behalf of the foreign subsidiary a copy of the certificate or other instrument filed in the state or place of its incorporation for the purpose of effecting the merger in that state or place, if the law of such state or place requires the filing of such certificate or instrument, which copy shall be certified by the public officer having official custody of the certificate or other instrument filed in such state or place on behalf of the foreign subsidiary. Copies of the certificate shall also be filed as provided in Section 4114.

No copy of the certificate shall be filed for or on behalf of a domestic subsidiary corporation unless there is also filed with the Secretary of State the certificate of satisfaction of the Franchise Tax Board that all taxes imposed upon such corporation by the Bank and Corporation Franchise Tax Act have been paid or secured.

SEC. 31. Section 4300 of said code is amended to read:

4300. In the event that the requisite number of shares of a corporation are voted to approve its merger or consolidation with another corporation, domestic or foreign, any holder of

Dissenting shareholder

voting or nonvoting shares who did not vote any or all of the shares which he was entitled to vote in favor of the merger or consolidation at the meeting at which it was approved may, by complying with this article, require the corporation of which he is a shareholder to purchase the shares which he did not vote in favor of the merger or consolidation and to pay him their fair market value. The fair market value shall be determined as of the day before the vote of the shareholders approving the agreement of merger or consolidation, excluding any appreciation or depreciation in consequence of the proposed action.

SEC. 32. Section 4302 of said code is amended to read:

Same Redemption of dissenting shares

4302. Within 30 days after the date on which notice of the approval by the shareholders was mailed to the shareholder, he shall submit to the corporation at its principal office or at the office of any transfer agent thereof his certificates representing any dissenting shares which he demands that the corporation purchase, to be stamped or endorsed with a statement that the shares are dissenting shares, or to be exchanged for certificates of appropriate denominations to be so stamped or endorsed. Upon subsequent transfers of the dissenting shares on the books of the corporation the new certificates issued therefor shall bear a like statement, together with the name of the original dissenting holder of the shares.

SEC. 33. Section 4316 of said code is amended to read:

Loss of dissenting status

4316. Dissenting shares lose their status as dissenting shares and the holders thereof cease to be dissenting shareholders and cease to be entitled to require the corporation to purchase their shares upon the happening of any of the following:

(a) The corporation abandons the merger or consolidation which the dissenting shareholder did not approve. Upon abandonment of the merger or consolidation any dissenting shareholders who have initiated proceedings in good faith under this article may recover from the corporation all necessary expenses incurred in such proceedings and reasonable attorneys' fees.

(b) The shares are surrendered for conversion into shares of another class in accordance with the articles of incorporation, or transferred, prior to their submission for endorsement, in accordance with Section 4302.

(c) The dissenting shareholder and the corporation do not agree upon the status of the shares as dissenting shares and upon the purchase price of the shares, or file a complaint or intervene in an action in respect to the shares, within six months after the date on which notice of the approval of the merger or consolidation was mailed to the shareholder.

(d) The dissenting shareholder, with the consent of the corporation, withdraws his dissent or demand for purchase of his shares.

SEC. 34. Section 4605 of said code is amended to read:

4605. When a voluntary proceeding for winding up has commenced, the corporation shall cease to carry on business except to the extent necessary for the beneficial winding up thereof, and except during such period as the board of directors may deem necessary to preserve the corporation's good will or going-concern value pending a sale of its business or assets, or both, in whole or in part. The directors forthwith shall cause written notice of the commencement of the proceeding for voluntary winding up to be given by mail to all shareholders and to all known creditors and claimants whose addresses appear on the records of the corporation. Voluntary winding up

SEC. 35. Section 5200 of said code is amended to read:

5200. When a corporation has been completely wound up without court proceedings therefor, a majority of the authorized number of directors or trustees shall sign a certificate of winding up and dissolution which 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 state: Dissolution

(a) That the corporation has been completely wound up.

(b) Whether its known debts and liabilities have been actually paid, or adequately provided for, or paid as far as its assets permitted, or that it has incurred no known debts or liabilities, as the case may be. If there are known debts and liabilities for payment of which adequate provision has been made, the certificate shall state what provision has been made, setting forth the name and address of the corporation, person, or governmental agency that has assumed or guaranteed the payment, or the name and address of the depositary with which deposit has been made, or such other information as may be necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

(c) Whether its known assets have been distributed to shareholders or members, or wholly applied on account of its debts and liabilities, or that it acquired no known assets, or, in the case of a nonprofit corporation, distributed in accordance with its articles or court decree, as the case may be.

SEC. 36. Section 5204 of said code is amended to read:

5204. If winding up and dissolution is by court order or decree, upon the final settlement of the accounts of the directors or trustees and the determination that the corporation's affairs are in condition for it to be wound up and dissolved, the court may make an order declaring the corporation duly wound up and dissolved. The order shall declare: Court order

(a) That the corporation is duly wound up, that any tax or penalty due under the Bank and Corporation Tax Law is paid or secured, and its other known debts and liabilities actually paid or adequately provided for or paid as far as its assets permitted as the case may be.

If there are known debts and liabilities for payment of which adequate provision has been made, the order shall state what provision has been made, setting forth the name and address of the corporation, person, or governmental agency that has assumed or guaranteed the payment, or the name and address of the depositary with which deposit has been made, or such other information as may be necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

(b) Whether all known assets have been distributed to shareholders or members, or wholly applied on account of the corporation's debts and liabilities, or, in the case of a nonprofit corporation, distributed pursuant to its articles or court decree.

(c) That the accounts of directors or trustees have been settled and that they are discharged from their duties and liabilities to creditors and shareholders.

(d) That the corporation is dissolved.

The court may make such additional orders and grant such further relief as it deems proper upon the evidence submitted.

SEC. 37. Section 6504 of said code is amended to read:

Foreign corporation Serving of process

6504. A foreign corporation which has transacted intrastate business in this State and has thereafter withdrawn from business in this State may be served with process in the manner provided in this chapter in any action brought in this State arising out of such business, whether or not it has ever complied with the requirements of Chapter 3 of this part.

A foreign corporation which has surrendered its right to transact intrastate business pursuant to Chapter 6 of this part may be served with process in any action upon a liability or obligation incurred within the State prior to such surrender by delivery of the process to the Secretary of State, his assistant or a deputy pursuant to this chapter and no court order authorizing such service shall be required. The process shall be mailed in the manner prescribed in this chapter except that it shall be sent to the address to which process is authorized to be sent in the certificate of surrender.

SEC. 38. Section 13200 of said code is amended to read:

Fish Marketing Act

13200. This part shall be known as "the Fish Marketing Act."

SEC. 39. Section 13201 of said code is amended to read:

Policy

13201. This part is enacted in order to promote, foster, and encourage the intelligent and orderly marketing of fish and fishery products through cooperation; to eliminate speculation and waste; to make the distribution of fish and fishery products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of fish and fishery products.

SEC. 40. Section 13202 of said code is amended to read:

13202. As used in this part:

Definitions

(a) "Fishery products" includes fish, crustaceans, mollusks, and marine products for human consumption.

(b) "Member" includes members of associations without capital stock and holders of common stock in associations organized with shares of stock.

(c) "Association" means any corporation organized under this part.

SEC. 41. Section 13204 of said code is amended to read:

13204. The provisions of the General Corporation Law and all powers and rights thereunder, apply to associations, except where such provisions are in conflict with or inconsistent with the express provisions of this part. Applicable law

SEC. 42. Section 13206 of said code is amended to read:

13206. An association shall be deemed not to be a conspiracy nor a combination in restraint of trade nor an illegal monopoly; nor an attempt to lessen competition or to fix prices arbitrarily or to create a combination or pool in violation of any law of the State; and the marketing contracts and agreements between the association and its members and any agreements authorized in this part shall be considered not to be illegal nor in restraint of trade nor contrary to the provisions of any statute enacted against pooling or combinations. Legality, etc

SEC. 43. Section 13207 of said code is amended to read:

13207. Any provisions of law which are in conflict with this part shall not be construed as applying to associations. Any exemptions under any laws applying to fishery products in the possession or under the control of the individual producer shall apply similarly and completely to such fishery products delivered by its members, in the possession or under the control of the association. Conflicting laws

SEC. 44. Section 13240 of said code is amended to read:

13240. Each association shall within 30 days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this part. A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote, is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked. By-laws, etc

CHAPTER 2262

An act to amend Section 18 of the Penal Code, relating to punishment for felonies.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18 of the Penal Code is amended to read:

18. Except in cases where a different punishment is prescribed by any law of this State, every offense declared to be a felony is punishable by imprisonment in any of the state prisons, not exceeding five years; provided, however, every offense which is prescribed by any law of the State to be a felony punishable by imprisonment in any of the state prisons or by a fine, but without an alternate sentence to the county jail, may be punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both.

This section shall not be construed to apply to offenses set forth in Division 10 of the Health and Safety Code, nor to any offense which is prescribed by any law of this State to be a felony punishable by imprisonment in any of the state prisons, but without alternative of fine.

CHAPTER 2263

An act to amend Section 11105 of the Penal Code, relating to criminal identification and statistics.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11105 of the Penal Code is amended to read:

11105. The Attorney General shall furnish, upon application, all information pertaining to the identification of any person, a plate, photograph, outline picture, description, measurement, or any data of which person there is a record in the office of the bureau.

The information shall be furnished to all peace officers of the State, to United States officers or officers of other states, territories, or possessions of the United States, or peace officers of other countries duly authorized to receive the same, and to any public defender or attorney representing such person in proceedings upon a petition for certificate of rehabilitation and pardon pursuant to Section 4852.08, upon application in writing accompanied by a certificate signed by the officer, public defender, or attorney, stating that the

information applied for is necessary in the interest of the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal interests or in maliciously or uselessly harassing, degrading or humiliating any person.

CHAPTER 2264

An act to amend Section 2421 of the Education Code, relating to school districts.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2421 of the Education Code is amended to read:

2421. Except as provided in Section 2421.5 every city heretofore organized, except general law cities, unless otherwise prescribed in its original city charter, constitutes a separate school district, which shall be governed by the board of education or board of school trustees of the city. Every chartered city organized on and after the effective date of the amendment of this section at the 1957 Regular Session of the Legislature, unless otherwise provided in its original charter, constitutes a separate school district if approved by resolution of the State Board of Education after favorable recommendation of the county committee on school district organization and the county superintendent of schools of the county in which the city is situated; provided, that the provisions of Section 2421.5 shall apply to any annexation of territory to such a city constituting a separate school district. If the consent of the governing board of the district is first obtained, territory within the exterior boundaries of a city may be withdrawn from the school district of that city and annexed to an adjoining school district in the manner provided elsewhere in this code for the change of school district boundaries.

CHAPTER 2265

An act to add Chapter 3.4 (commencing at Section 20691) to Division 10 of, to amend Section 20368 of, and to repeal Sections 20673 and 20674 of, the Education Code, relating to the establishment of a separate state college in the San Fernando Valley, and making an appropriation therefor.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.4 is added to Division 10 of the Education Code, to read:

CHAPTER 3.4. SAN FERNANDO VALLEY STATE COLLEGE

Article 1. Establishment

San Fernando Valley State College

20691. There is in the San Fernando Valley, County of Los Angeles, the San Fernando Valley State College.

Applicable law

20692. The provisions of Chapter 2 (commencing at Section 20301) of this division and all other laws relating to state colleges are applicable to the San Fernando Valley State College.

Property

20693. All property, both real and personal, of the San Fernando campus of the Los Angeles State College of Applied Arts and Sciences is hereby assigned to the San Fernando Valley State College.

Employees

20694. Each employee of the Los Angeles State College of Applied Arts and Sciences who is transferred to the San Fernando Valley State College on or before the beginning date of the academic school year 1958-59 shall be entitled to retain all sickness and injury, sabbatical and other leave rights and all seniority and tenure rights accumulated as an employee of the Los Angeles State College of Applied Arts and Sciences as fully as though there had been no change in the name or operation of the college.

Appointments

20695. Appointments of employees from the Los Angeles State College of Applied Arts and Sciences to the San Fernando Valley State College subsequent to the beginning date of the academic school year 1958-59 shall be made in the same manner and under the same conditions as appointments of employees who were formerly employees of any other California state college.

SEC. 2. Section 20368 of the said code is amended to read:

California State Polytechnic College

20368. The provisions of this article do not apply to the California State Polytechnic College.

Repeals

SEC. 3. Sections 20673 and 20674 of said code are repealed.

Appropriation

SEC. 4. The sum of thirty thousand three hundred eighteen dollars ($30,318) is hereby appropriated out of any money in the State Treasury not otherwise appropriated in augmentation of Item 83 of the Budget Act of 1957, for support of the Department of Education. In the preparation and approval of budgets for the expenditure of the amount herein appropriated, the Department of Education and the Department of Finance shall budget said sum as follows:

In augmentation of Schedule (a) of Item 83 of the Budget Act of 1957, salaries and wages_____$30,318

Operative date

SEC. 5. Sections 1 to 3, inclusive, of this act shall become operative on July 1, 1958.

CHAPTER 2266

An act to amend Section 2300 of the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2300 of the Health and Safety Code is amended to read:

2300. The district board of each mosquito abatement district shall, at least 15 days before the first day of the month in which the board or boards of supervisors of the county or counties in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The amount of money necessary for the district's purposes may include a general reserve for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such general reserve shall not exceed 60 percent of the estimated expenditures for a fiscal year.

The amount of money necessary for the district purposes may also include an unappropriated reserve for the purpose of defraying unusual and unanticipated expenses.

Expenditures from such unappropriated reserve may be made only upon an affirmative vote of four-fifths of the members of the district board. Such emergency fund is not to exceed 25 percent of the estimated expenditures for a fiscal year.

CHAPTER 2267

An act to repeal Section 2313 of the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2313 of the Health and Safety Code is repealed.

CHAPTER 2268

An act to repeal Section 2314 of the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2314 of the Health and Safety Code is repealed.

CHAPTER 2269

An act to add Section 9615 to the Education Code, relating to the education of physically handicapped minors, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 9615 is added to the Education Code, to read:

Braille books

9615. The State Department of Education may cooperate with the American Printing House for the Blind in the provision and distribution of Braille books and other materials and equipment available from the American Printing House for the Blind for the use of blind pupils in the public schools of California under the provisions of an act entitled: "An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instructional material for the blind, to increase the appropriations authorized for this purpose, and for other purposes," approved August 2, 1956 (Public Law 922, 84th Congress, 2d Session).

Appropriation

SEC. 2. The sum of six thousand seven hundred five dollars ($6,705), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended by the Department of Education during the 1957-58 Fiscal Year in carrying out the purposes of this act.

CHAPTER 2270

An act to add Section 31031.5 to the Water Code, relating to the Free Water County Water District.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 31031.5 is added to the Water Code, to read:

Stand-by water charge

31031.5. The Free Water County Water District may fix, on or before the first day of July in each calendar year, a water stand-by or availability charge of not to exceed five dollars ($5) per acre per year for each acre of land within the district to which water is made available for irrigation purposes by the district. The board of directors of the district, in its discretion, may establish schedules varying the stand-by charges according to the land uses and the degree of availability of such water to the affected lands.

SEC. 2. This act is necessary as a special act because a general law cannot be made applicable to the particular and special problems of this area. Special act

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CHAPTER 2271

An act to amend Sections 6904 and 6906 of the Government Code, relating to vending stands for the blind.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6904 of the Government Code is amended to read:

6904. The bureau shall:

(a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings. Surveys

(b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this chapter, including the collection of a service charge based on gross sales, not to exceed 4 percent thereof, from each vending stand operator, such service charges to be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for loans to operators for initial stock, and for such other expenditures as are found necessary to carry out the purposes of this chapter; provided, that no portion of such service charges shall be used for administrative salaries or for the construction of new vending stands. Regulations

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building. Locations

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States, 21 years of age or over, and who have resided in the State at least one year immediately preceding date of application for license. License

SEC. 2. Section 6906 of said code is amended to read:

6906. All licenses existing on the effective date of this section as amended in 1957 shall expire on July 1, 1958. Thereafter each license shall be issued for the period of a year. The bureau, in its discretion, may renew the license one or more times, each time for the period of a year, upon application made by the licensee prior to the expiration of the then existing license or renewed license. A license may be terminated by the bureau when the bureau is satisfied that the stand is not being operated in accordance with the rules and regulations prescribed by it. Same: Expiration, etc.

CHAPTER 2272

An act to amend Section 12040 of the Government Code, relating to membership on the Governor's Council.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 12040 of the Government Code is amended to read:

12040. There is in the State Government the Governor's Council. It consists of the following:

(1) Director of Agriculture
(2) Director of Alcoholic Beverage Control
(3) Director of Corrections
(4) Director of the Disaster Office
(5) Director of Education
(6) Director of Employment
(7) Director of Finance
(8) Director of Fish and Game
(9) Director of Industrial Relations
(10) Director of Mental Hygiene
(11) Director of Motor Vehicles
(12) Director of Natural Resources
(13) Director of Professional and Vocational Standards
(14) Director of Public Health
(15) Director of Public Works
(16) Director of Social Welfare
(17) Director of Veterans Affairs
(18) Director of Water Resources
(19) Director of the Youth Authority
(20) Adjutant General
(21) Commissioner of the California Highway Patrol
(22) State Fire Marshal
(23) Director of Investment

CHAPTER 2273

An act to amend Sections 250, 268 and 272 of the Vehicle Code, relating to applications for and conditions of drivers' licenses.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 250 of the Vehicle Code is amended to read:

Unlicensed driving

250. Unlawful to Drive Unless Licensed. (a) It is a misdemeanor for any person to drive a motor vehicle upon a high-

way unless he then holds a valid operator's or chauffeur's license issued hereunder, except such persons as are expressly exempted under this code.

(b) An operator's license issued hereunder shall entitle the licensee to operate any vehicle or combination of vehicles except as provided in subdivision (c).

(c) No person shall operate upon a highway a motor vehicle having an unladen weight in excess of 12,000 pounds, nor operate any motor vehicle towing a vehicle having a gross weight in excess of 6,000 pounds, except special mobile equipment or an implement of husbandry, unless he then holds a valid chauffeur's license permitting such operation or a valid operator's license which has been endorsed by the department permitting such operation, except such persons as are expressly exempted under this code.

This subdivision shall not apply to any person who holds a valid operator's license upon the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session until the expiration of such license.

(d) It is a misdemeanor for any person to drive a motor vehicle upon a highway as a chauffeur unless he then holds a chauffeur's license duly issued hereunder, except such persons as are expressly exempted under this code.

SEC. 2. Section 268 of said code is amended to read:

268. Scope of Examination. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer. Said examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. Driver's examination

(b) Every applicant for a chauffeur's license shall be required to submit to an examination appropriate to the type of vehicle or combination of vehicles he desires a license to drive. Every applicant for an endorsement on his operator's license permitting him to operate a motor vehicle having an unladen weight in excess of 12,000 pounds or to tow any vehicle having a gross weight in excess of 6,000 pounds shall be required to submit to an examination appropriate to the vehicle or combination of vehicles he desires to drive.

SEC. 3. Section 272 of said code is amended to read:

272. Issuance and Contents of License. (a) When the department determines that the applicant is lawfully entitled to a license it shall issue to such person an operator's or License

chauffeur's license as applied for. Every such license shall state whether it is an operator's or chauffeur's license and shall bear thereon the distinguishing number assigned to the applicant, the date of expiration, the name, age and residence address of the licensee, a brief description and photograph of such licensee for the purpose of identification and space for the signature of the licensee.

Each license shall also contain a space for the endorsement thereon of a record of each suspension or revocation thereof.

The department may issue: (1) a general chauffeur's license; (2) a restricted chauffeur's license; (3) an operator's license; (4) an endorsed operator's license permitting the operation of motor vehicles having an unladen weight in excess of 12,000 pounds and the towing of vehicles having a gross weight in excess of 6,000 pounds.

(b) The department upon issuing a restricted chauffeur's license or an endorsed operator's license shall indicate thereon the type of vehicle or combination of vehicles the licensee is licensed to operate.

(c) The department shall use such process or processes in the issuance of licenses, that prohibit as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a photograph on such license without ready detection.

CHAPTER 2274

An act to amend Section 269 of the Vehicle Code, relating to drivers' licenses.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 269 of said code is amended to read:

269. Grounds Requiring Refusal of License. The department shall not issue an operator's or chauffeur's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who is an habitual drunkard or addicted to the use of narcotic drugs or an habitual user of any other drug rendering such person incapable of safely operating a motor vehicle.

(c) Who is insane or feeble-minded or an idiot, imbecile, or epileptic.

(d) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(e) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(f) Any physical or mental defect of the applicant which in the opinion of the department does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this State and valid on the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session

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CHAPTER 2275

An act to add Section 21661 to, and to amend Section 21654 of, the Water Code, relating to irrigation districts.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 21661 is added to the Water Code, to read:

Elections for officers

21661. If, on the thirtieth day prior to the day fixed for the irrigation district general election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the irrigation district general election be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held for such office in which only one person has been nominated or in which no one has been nominated, 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 fixed for the election, appoint, and the board of supervisors shall thereupon appoint to such office or offices wherein only one person has been nominated the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at an irrigation district general election for such office. In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held for such office and that the board of supervisors will appoint, or has appointed, the elective officers to serve for the ensuing term for such office.

If more than one person has been nominated for any office, an election shall be held for such office and notice given as provided in Section 21654.

SEC. 2. Section 21654 of said code is amended to read:

Notice of election

21654. Not less than 25 nor more than 40 days before a general election the secretary shall commence to publish notice of the day, hours, and polling places in each precinct in which an election is to be held. Publication shall consist of publishing notice once a week for two successive weeks in a newspaper of general circulation published in the district, or if no newspaper of general circulation is published in the district, shall either publish notice once a week for two successive weeks in a newspaper having general circulation in the district published in any affected county of the district, or post notices in three public places in each election precinct in which an election is to be held.

CHAPTER 2276

An act relating to disability benefits.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The amendments made by Assembly Bill No. 3194, enacted by the Legislature at its 1957 Regular Session, shall not require any changes in existing policy provisions of voluntary plan carriers prior to January 1, 1958, in spite of the effectiveness of such amendments on September 11, 1957.

CHAPTER 2277

An act to provide for participation by the State of California in public celebrations and exhibits to be held throughout the State during 1957 and 1958 commemorating the centennial of the establishment of the overland mail routes and related events of historic significance in the history of the State including provision for registration and marking of historical sites and landmarks on the routes of the overland mails and emigrant trails, making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The purpose of this act is to make funds available for the appropriate observance throughout the State of the anniversaries of significant events in the history of the State of California, including the centennial anniversary of

the establishment of the overland mail and emigrant trail routes and related events. This act shall be liberally construed to effectuate its purpose.

SEC. 2. Ten thousand dollars ($10,000) is appropriated from the State Park Fund to the Division of Beaches and Parks, Department of Natural Resources in augmentation of Item 180, Budget Act of 1957.

CHAPTER 2278

An act to add Section 18941 to the Government Code, relating to the state civil service, and making an appropriation.

[Approved by Governor July 9, 1957. Filed with Secretary of State July 15, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18941 is added to the Government Code, to read:

18941. The Board of Control shall by rule authorize such expenditures as are reasonably necessary for the meals, lodging or travel of persons who provide nonsalaried assistance to the State Personnel Board in the preparation or conduct of written or oral examinations for the state civil service. Expenses

SEC. 2. The sum of nine hundred dollars ($900) is hereby appropriated out of the General Fund in augmentation of Item 34 of the Budget Act of 1957. Appropriation

CHAPTER 2279

An act to amend Section 18859 of the Government Code, relating to salary adjustments of state employees.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18859 of the Government Code, is hereby amended to read:

18859. The board may authorize payment at any step above the minimum salary limit to classes or positions in order to meet recruiting problems, to obtain a person who has extraordinary qualifications, to correct salary inequities resulting from actions by the board, or to give credit for prior state service in connection with appointments, promotions, reinstatements, transfers, reallocations, or demotions. Other salary adjustments within the salary range for the class may be made upon the application of the appointing power and with the approval of the Director of Finance. Adjustments within the salary range authorized by this section may be either permanent or temporary and may be made retroactive to the date of application for such change.

CHAPTER 2280

An act relating to participation by the State in the Theodore Roosevelt Centennial, creating the California Theodore Roosevelt Centennial Commission, describing the powers and duties thereof, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The purpose of this act is to provide for full cooperation by the State with the Theodore Roosevelt Centennial Commission created by the Congress of the United States in a resolution approved July 28, 1955 (69 Stat. 383); to insure participation by the State in programs of that commission and other agencies, persons, or corporations for signalizing the 100th anniversary of the birth of Theodore Roosevelt; to promote or provide such activities as may be necessary or desirable to make celebration of the centennial a success; to establish a commission to represent the State in carrying out this purpose, and to appropriate funds necessary for the activities of the commission.

SEC. 2. For the purposes of this act, there is hereby created in the State Government the California Theodore Roosevelt Centennial Commission, hereinafter designated as the commission, consisting of two Members of the Senate appointed by the Committee on Rules, two Members of the Assembly appointed by the Speaker, and three additional members appointed by the Governor. 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 positions as Members of the Legislature. The members of the commission shall select one of their members to serve as a chairman, who shall hold office as chairman at the pleasure of the commission. Three members of the commission shall constitute a quorum for the transaction of business. Members of the commission shall serve without compensation but shall receive their actual travel expenses.

SEC. 3. The commission shall adopt a seal having thereon the words "California Theodore Roosevelt Centennial Commission of the State of California," and shall file with the State Controller and the State Treasurer a certificate of such seal, and all signatures of persons authorized by the commission to sign contracts, claims, and other documents on behalf of the commission.

SEC. 4. The commission shall have such powers and duties, including, but not limited to, those hereafter set forth, and may expend such money as it may receive and so much of the money herein appropriated as may be necessary to carry out

the purposes of this act. The commission may employ and fix the compensation of a secretary and such other assistants and persons as it may deem necessary.

SEC. 5. The commission shall have power 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 triplicate, signed by the chairman thereof and executed under the seal of the commission, and one copy thereof shall be immediately filed with the State Controller.

SEC. 6. The commission, through the chairman or such other officer as it shall authorize, shall certify claims and demands for the expenditure of money, substantiated by vouchers and itemized statements, to the State Controller who shall make such audit as may be necessary and draw his warrants therefor upon the State Treasury.

SEC. 7. The State of California shall not in any manner or under any circumstances be liable for any of the acts, doings or proceedings of any person, association or corporation with which the commission shall act, cooperate, or join to carry out the purposes of this act, nor for the services, salary, labor or wages of any officers, agents, servants or employees of such person, association or corporation, nor for any debts, liabilities or expenses of any kind whatsoever of such person, association or corporation; provided, however, that the commission may, in its discretion, employ the same persons, servants, agents or officers that may be employed by such person, association or corporation with which the commission shall act, cooperate and join to carry out the purposes of this act, and contribute to pay the whole or any part of their compensation.

SEC. 8. No member of the commission, or employee thereunder, or any officers thereof, shall be personally liable for any debts or obligations, or liability that may be created or incurred by the commission or by the State of California, acting by or through the commission. Neither the commission nor any member thereof shall be liable in damages for the negligence, default, or wrongful act of any of the agents, servants, or employees of the commission.

SEC. 9. The commission may execute contracts, hold property, and sue in its own name. All claims and demands arising under or in consequence of any contract or agreement made by the commission, and all expenditures authorized by it, shall be exempt from the provisions of Section 14370 of the Government Code.

SEC. 10. The commission shall cease to exist, and all appointments thereto terminate, on July 1, 1959. Upon completion of all work by the commission it shall render a final report and file the same with the State Controller and deposit with the State Treasurer any remaining revenues.

SEC. 11. There is hereby appropriated to the commission out of the General Fund in the State Treasury the sum of

five thousand dollars ($5,000), or so much thereof as is necessary, to be expended by the commission to carry out the purposes of this act.

CHAPTER 2281

An act to add Sections 20750.15, 20750.25, 20750.35, 20750.45 and 21365.5 to the Government Code, relating to the State Employees' Retirement System.

In effect September 11, 1957

[Approved by Governor July 10, 1957 Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 21365.5 is added to the Government Code, to read:

Death benefits

21365.5. Upon the death while in state service and before the effective date of his retirement of a member who had attained the minimum qualifications for voluntary service retirement, a monthly allowance equal to one-half of the unmodified retirement allowance which the member would have been entitled to receive if he had retired on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage.

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit is payable.

The payments provided by this section shall be paid in lieu of the basic death benefit but if the total payments made hereunder are less than the basic death benefit that would have been paid at the death of the member, the amount of the basic death benefit less any payments made pursuant to this section shall be paid to the beneficiary designated by the member.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the State so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at

least one year prior to his death, a "dependent surviving husband" means a husband that was married to the member for at least one year prior to the member's death and whose income from all other sources was less than one-half the earnings of the member, and "child" includes a posthumously born child of the member.

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 time this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section. Contracting agencies

SEC. 2. Section 20750.15 is added to said code, to read:

20750.15. The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to twenty-four hundredths (0.24) of 1 percent of the compensation paid state miscellaneous members. State's contribution Miscellaneous members

SEC. 3. Section 20750.25 is added to said code, to read:

20750.25. The State's contribution to the Retirement Fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to eighteen hundredths (0.18) of 1 percent of the compensation paid state patrol members. Same State patrol members

SEC. 4. Section 20750.35 is added to said code, to read:

20750.35. The State's contribution to the Retirement Fund in respect to state forestry members provided by any and all other provisions of this chapter is increased by a sum equal to thirty-two hundredths (0.32) of 1 percent of the compensation paid state forestry members. Same State forestry members

SEC. 5. Section 20750.45 is added to said code, to read:

20750.45. The State's contribution to the Retirement Fund in respect to state warden members provided by any and all other provisions of this chapter is increased by a sum equal to fifty-seven hundredths (0.57) of 1 percent of the compensation paid state warden members. Same State warden members

CHAPTER 2282

An act to add Section 679.15 to the Vehicle Code, relating to loading equipment.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 679.15 is added to the Vehicle Code, to read:

679.15. Use of Bunk Stakes. Bunk stakes may be used in transporting logs or poles, but only in accordance with regulations adopted by the department, designed to accomplish the safe loading of such materials.

CHAPTER 2283

An act to repeal Section 271.2 and add Sections 271.2 and 272.5 and amend Sections 294 and 312 of the Vehicle Code, relating to the definition of conviction of violation of the Vehicle Code.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 271.2 of the Vehicle Code is repealed.

SEC. 2. Section 271.2 is added to the Vehicle Code, to read:

Traffic violation point count

271.2. Traffic Violation Point Count and Negligent Operation Defined. In determining the violation point count, any conviction under Section 332, 481, 483, 502 or 505 of this code shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Negligent operator

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

SEC. 3. Section 272.5 is added to the Vehicle Code, to read:

Drivers' licenses

272.5. Issuance of Drivers' Licenses. (a) The department may issue, (1) a general chauffeur's license; (2) a restricted chauffeur's license; (3) an operator's license; (4) an endorsed operator's license permitting the operation of motor vehicles having an unladen weight in excess of 12,000 pounds and the towing of vehicles having a gross weight in excess of 6,000 pounds.

(b) The department upon issuing a restricted chauffeur's license or an endorsed operator's license shall indicate thereon the type of vehicle or combination of vehicles the licensee is licensed to operate.

(c) This subdivision shall not apply to the issuance of a license to any person who holds a valid operator's license upon

the effective date of this section enacted by the Legislature at the 1957 Regular Session until the expiration of such license.

SEC. 4. Section 294 of said code is amended to read:

Equivalents of conviction

294. Equivalents of Conviction. For the purposes of this chapter, a plea of guilty or a judgment of guilty, whether probation is granted or not, or a forfeiture of bail, constitutes a conviction of any of the crimes mentioned in this code, except Sections 459.8, 586, 586.05, 587, 588, 589, 589.5, 592, and 603 relating to unlawful parking of vehicles.

SEC. 5. Section 312 of the Vehicle Code is amended to read:

Same

312. Equivalents of Conviction. For the purposes of this chapter, a plea of guilty or a judgment of guilty, whether probation is granted or not, or a forfeiture of bail, constitutes a conviction of any of the crimes mentioned in this code, except Sections 459.8, 586, 586.05, 587, 588, 589, 589.5, 592, and 603 relating to unlawful parking of vehicles.

CHAPTER 2284

An act to amend Sections 13370.1, 13391, 13394, 13402, and 13408 of the Government Code, relating to the purchase of supplies or equipment for state agencies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 13370.1 of the Government Code is amended to read:

Bid specifications

13370.1. No state agency or employee thereof shall draft or cause to be drafted, any specifications for bids, in connection with the purchase or contemplated purchase of any supplies or materials, or textbooks for use in the day and evening elementary schools of the State, in such a manner as to limit the bidding directly or indirectly, to any one bidder.

Bidders may be required to furnish a bond or other indemnification to the State against claims or liability for patent infringement.

SEC. 2. Section 13391 of said code is amended to read:

Purchases in excess of $25

13391. Except as provided in Article 1, every purchase of supplies or equipment in excess of twenty-five dollars ($25) for any state agency shall be made by or under the supervision of the Department of Finance; provided, that the state agency may specify the quality of the supplies or equipment to be purchased. Should the Department of Finance determine a different quality than that specified by the agency will best serve the interests of the State, it shall notify the state agency before a purchase order is issued. If the agency is of the opinion the interests of the State would not be served by the

purchase of supplies or equipment of a lesser quality or different than that specified by the agency, the agency or the Department of Finance may request a hearing before the Board of Control and the board shall determine the supplies or equipment which will best serve the interests of the State, whereupon the department shall issue a purchase order for the supplies or equipment specified by the Board of Control.

SEC. 3. Section 13394 of said code is amended to read:

Requisition

13394. An estimate or requisition approved by the state agency in control of the appropriation or fund against which a purchase is to be charged, is full authority for any contract and purchase of supplies of the quality specified by the agency or determined by the Board of Control as provided in this article made pursuant thereto by the department.

The department shall issue a call for bids within 30 days after receiving a requisition for any supplies or equipment that is regularly purchased within this State.

After the closing date for receiving any bids within or without this State, the contract of purchase shall be awarded or the bids shall be rejected within 30 days unless a protest is filed as provided in Section 13407.

SEC. 4. Section 13402 of said code is amended to read:

Purchases in excess of $1,000

13402 (a) Except in cases when the agency and the department agree that an article of a specified brand or trade name is the only article which will properly meet the needs of the agency, or in cases where the Board of Control has made such determination pursuant to Section 13391, all contracts and purchases of supplies in an amount of one thousand dollars ($1,000) or more shall be made or entered into with the lowest responsible bidder meeting specifications, subject to the provisions of Section 4300 to 4334, inclusive, of this code.

(b) Vendors may be required by specifications in the request for bids to furnish surety bonds guaranteeing satisfactory performance. In the event a surety bond is required by the State which has not been expressly required by the specifications, the State shall reimburse the vendor, as an addition to the purchase price, in an amount equal to the premium on such bond.

SEC. 5. Section 13408 of said code is amended to read:

State Purchases Standards Committee

13408. There is hereby created a State Purchases Standards Committee, consisting of nine (9) members, seven (7) of whom shall be officers or employees of the State and two (2) of whom shall be citizens not employed by the State, all to be appointed by the Governor. The members of the committee shall serve without compensation, but shall be entitled to their actual necessary traveling expenses.

The committee shall annually elect one of its members chairman. The committee shall act as an advisory body to the Director of Finance and shall recommend from time to time minimum standards as to quality of equipment and supplies to be acquired for state use.

Urgency

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The amendments made by this act will result in basic economies and savings in purchases of equipment and supplies by the State by simplifying bidding procedures, and such economies must be given immediate effect to counteract increasing demands upon state revenues.

CHAPTER 2285

An act to amend Section 13402 of the Government Code, relating to contracts by state agencies.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 13402 of the Government Code is amended to read:

13402. Except in cases when the agency and the department agree that an article of a specified brand or trade name is the only article which will properly meet the needs of the agency, or in cases where the Board of Control has made such determination pursuant to Section 13391, all contracts and purchases of supplies in an amount of one thousand dollars ($1,000) or more shall be made or entered into with the lowest responsible bidder meeting specifications, subject to the provisions of Sections 4300 to 4334, inclusive, of this code.

For purposes of determining the lowest bid, the amount of sales tax shall be excluded from the total amount of the bid.

CHAPTER 2286

An act to add Section 10 to the State Construction Program Bond Act of 1955 (Chapter 1709 of Statutes of 1955) relating to the building needs of the State by the adoption of a general construction program, and making an appropriation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 10 is added to the act cited in the title hereof, to read:

Sec. 10. For the purposes of carrying out the provisions of this act 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 the State Construction Program Committee has by resolution authorized to be sold for the purpose of carrying out this act, and the amount necessary to carry out this section is hereby appropriated. The appropriation made by this section is made without regard to fiscal years. Any amounts withdrawn shall be deposited in and constitute a part of the State Construction Program Fund to be expended by the Department of Finance. Any moneys made available under this section to the department shall be returned by the department to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this act.

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 immediate effect. A statement of the facts constituting such necessity is as follows:

At the election held in November, 1956, the people approved Assembly Constitutional Amendment No. 17 authorizing the issuance and sale of bonds of the State of California in the sum of two hundred million dollars ($200,000,000) to be used to carry out the state construction program contemplated by the State Construction Program Bond Act of 1955. However, it will be some time before such bonds are issued and sold and therefore unless other funds are forthcoming the State Government will not be able to commence immediately the construction contemplated under this program. Since there exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, education, 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, in order to permit necessary construction to commence immediately it is necessary that this act take effect immediately.

CHAPTER 2287

An act to add Section 9613.5 to the Education Code, relating to counselors for blind students, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 9613.5 is added to the Education Code, to read:

Counselors for blind students

9613.5. The Department of Education may appoint counselors to assist blind students attending public schools in the State to solve problems in connection with their school program. The counselors may visit blind pupils attending any public school in the State, in their homes to advise them and

discuss with their parents the solution of problems pertaining to their school attendance. The counselors shall be available to teachers and administrators in the public schools where blind pupils are in attendance to advise and counsel them regarding the best methods and procedures for teaching blind children. The counselors shall be persons who have had special training for such work, and shall be thoroughly familiar with problems peculiar to the blind and their public school education. Blindness shall not be grounds to disqualify persons for these positions.

Appropriation

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury the sum of twenty thousand dollars ($20,000) to the Department of Education in augmentation of Item 71, Budget Act of 1957.

CHAPTER 2288

An act to amend Sections 142 and 168 of the Vehicle Code, relating to the registration of cotton trailers.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 142 of the Vehicle Code is amended to read:

Exemption from registration

142. Exemption From Registration. The registration provisions of this chapter shall not apply to any of the following vehicles:

(a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.

(b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.

(c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. The following shall be deemed to be implements of husbandry and shall be exempt from registration:

(1) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(2) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(3) A spray or fertilizer applicator rig designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations.

(4) A nurse rig or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of a spray rig or an airplane used for the dusting, spraying, fertilizing or seeding of crops.

(5) A non self-propelled fertilizer nurse tank or trailer moved unladen on the highway and auxiliary to the use of a spray or fertilizer applicator rig.

(6) A row duster.

(7) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(8) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(9) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(10) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(11) A trailer of the tip-bed type when used exclusively by a farmer owner in the transportation of other implements of husbandry.

(12) A portable honey extracting trailer or semitrailer.

(13) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry.

(13) Any cotton trailer when used on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm, except that Section 168 shall apply to such trailers.

The foregoing list shall be deemed as illustrative and not a list of limitations.

(d) Special mobile equipment.

(e) Any self-propelled wheel chair or invalid tricycle while being operated by a person who by reason of physical disabilities is otherwise unable to move about as a pedestrian.

(f) Special highway construction equipment.

SEC. 2. Section 168 of said code is amended to read:

Identification plates

168. Special Highway Construction Equipment and Special Mobile Equipment Identification Plates (a) Special highway construction and special mobile equipment shall not

be subject to registration Prior to any movement each piece of special highway construction equipment shall display an equipment identification plate attached thereto. Such equipment identification plate shall not be required for special mobile equipment but may at the option of the owner or authorized operator thereof be obtained and attached to each piece of such equipment after complying with requirements for such specified in this section.

Application for the identification plate shall be made before any such piece of equipment is moved over the highway to the department on a form furnished by the department, together with payment of a service charge of five dollars ($5), the fees from which are to be credited to the Motor Vehicle Fund. Publicly owned special highway construction equipment and publicly owned special mobile equipment are exempt from the said service charge

The application shall include a statement by the owner of the use or uses which he intends to make of the equipment, a description of such equipment, including distinctive marks or features, if any, a photograph of the equipment, and such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate for the equipment. When identification plates are to be obtained for more than one piece of equipment and such pieces of equipment are of the same identical type, only one photograph of one piece shall be required to be attached to such application

Upon proper application and payment of the service charge, the department shall issue an identification plate and an identification card for the piece of equipment for which application is made.

Each identification plate issued under this section shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall display the identification card issued by the department as provided by Section 155 It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

(b) Cotton trailers exempt from registration under paragraph (13) of subdivision (c) of Section 142 shall obtain and display a special identification plate pursuant to subdivision (a) of this section, except that the service charge shall be ten dollars ($10) and the photograph provisions are waived. Such plate shall be renewed every five years by application and payment of the ten dollar ($10) service charge.

CHAPTER 2289

An act to amend Section 260 and to add Sections 263, 263.1, 263.2, 263.3, 263.4, 263.5, and 263.6 to the Agricultural Code, relating to bovine brucellosis, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 260 of the Agricultural Code is amended to read:

Definitions

260. As used in this article:

(a) "Premises" means any place where cattle have been or are kept.

(b) "Cattle" and "bovine animals" mean neat cattle.

(c) "Vaccine" means any vaccine produced by a laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture and recognized by the department for use in preventing and/or treating brucellosis in cattle.

(d) "Vaccinate" or "vaccination" means the use of vaccine in cattle.

(e) "Brucellosis" means the disease of cattle caused by Brucella micro-organisms.

(f) "Official veterinarian" means a veterinarian in the employ of the United States Department of Agriculture or the department.

(g) "Accredited veterinarian" means a veterinarian who is so designated by the United States Department of Agriculture and the department.

(h) "Modified certified brucellosis-free area," means any area that has been so declared by the Federal and State Departments of Agriculture in accordance with the provisions of the Uniform Methods and Rules for the Establishment and Maintenance of Certified Brucellosis-free Herds of Cattle and Modified Certified Areas adopted by the United States Department of Agriculture.

(i) "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a test for brucellosis approved by the director.

SEC. 2. Section 263 is added to said code, to read:

Brucellosis control areas

263. The department may, after hearing, establish and maintain brucellosis control areas within this State, wherein the department shall examine and test such cattle for brucellosis as the director may specify, as often as may be deemed necessary to qualify and maintain such areas as modified certified brucellosis-free areas.

SEC. 3. Section 263.1 is added to said code, to read:

Samples

263.1. All owners of cattle, subject to examination and testing for brucellosis, within a brucellosis control area, shall upon request of the department, provide necessary facilities for collecting such samples of blood or milk as may be deemed

necessary to conduct tests for brucellosis, and render such assistance as may be required.

SEC. 4. Section 263.2 is added to said code, to read:

Branding

263.2. Any bovine animal in a brucellosis control area reacting positively to a test for brucellosis shall immediately be branded and identified in accordance with the rules and regulations of the director, and shall be moved from the area within 30 days in accordance with the rules and regulations of the director.

SEC. 5. Section 263.3 is added to said code, to read:

Refusal to allow inspection

263.3. It is unlawful to refuse to submit cattle, required to be tested under this article, for the collection of milk or blood samples, or to refuse to submit milk samples as may be necessary for the testing of cattle for brucellosis as required by this article.

SEC. 6. Section 263.4 is added to said code, to read:

Refusal to confine

263.4. If any owner or person in charge of cattle, after 10 days' official notice in writing by the department, refuses properly to confine in corrals, stanchions or chutes, any cattle within a brucellosis control area which are required to be tested and identified under this article, said owner is guilty of a misdemeanor and the department may incur such expense as is necessary to properly confine and identify such cattle. The expense so incurred is a lien upon said cattle and unless paid within 10 days after written notice of the amount of the same has been given by the department to the owner or person in possession of said cattle, the lien shall be enforced in the manner prescribed in Section 3052 of the Civil Code.

SEC. 7. Section 263.5 is added to said code, to read:

Regulations

263.5. The director shall, by regulation, designate the conditions under which cattle may be moved into a brucellosis control area.

SEC. 8. Section 263.6 is added to said code, to read:

Violations

263.6. Any person who violates any regulation made under this article is guilty of a misdemeanor.

Appropriation

SEC. 9. The sum of sixty-eight thousand two hundred forty-nine dollars ($68,249) is appropriated from the General Fund for the support of the Department of Agriculture in augmentation of Item 37 of the Budget Act of 1957.

CHAPTER 2290

An act to amend Section 20931 of the Government Code, relating to the State Employees' Retirement System in respect to credit for service to local public agencies.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20931 of the Government Code is amended to read:

Local service credit

20931. Any state member of this system who was in local service before entering state service has the right to elect, by written election filed with the board at any time prior to October 1, 1958, to make contributions pursuant to Section 20932 for, and to receive credit in this system as state service for, all or any part of the time he was in local service prior to October 1, 1954. However, a member shall not receive credit as state service for any portion of his local service constituting prior service unless he has elected to make, and has made, contributions pursuant to Section 20932 for all of his local service constituting current service.

The right of election granted by this section expires on October 1, 1958. Elections filed with the board prior to that date entitle the members making them to complete payment of contributions and receive credit for service as provided in this article, but no member has the right to make any such election on or after that date.

Operative date

SEC. 2. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date.

CHAPTER 2291

An act to amend Sections 9651 and 9652 of the Education Code, relating to schools and classes in county institutions.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 9651 of the Education Code is amended to read:

Residence of students in hospital classes

9651. Whenever a school district maintains a school or classes at a tuberculosis or polio ward, hospital or sanatorium established and maintained by a county or group of counties, any minor or adult who has been admitted to such ward, hospital or sanatorium is, if otherwise qualified, eligible to attend such school or classes but shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to such tuberculosis or polio ward, hospital or sanatorium.

The minimum school day for such classes is 180 minutes Whenever two or more districts are authorized and operate such schools or classes the governing boards of the districts may jointly employ personnel to administer and conduct the programs.

SEC. 2. Section 9652 of said code is amended to read:

Cost of education

9652. The school district of which any such minor or adult is a resident shall at the close of each school year pay to the district maintaining a school or class in which such minor or

adult is enrolled the cost of educating such minor or adult during the school year. The cost shall be determined by dividing the total current expenditures of the school district during such school year for the maintenance of such school or classes, less all apportionments from the State or allocations from the Federal Government on account of such school or classes, by the total number of units of average daily attendance in such school or classes during such school year

Minors in such schools or classes shall be apportioned excess cost apportionments for handicapped minors as stated elsewhere in this code.

The Superintendent of Public Instruction shall adopt standards and regulations relating to administration, attendance, accounting and counseling in hospital schools and classes

CHAPTER 2292

An act to add Chapter 1 5 (comprising Section 328) to Division 3 of the Agricultural Code, relating to the sale of livestock.

[Approved by Governor July 4, 1957 Filed with Secretary of State July 15, 1957]

In effect September 11, 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 any express warranty, the sale of livestock for slaughter immediate or otherwise shall not imply a warranty of fitness for any particular purpose or warranty of merchantable quality, notwithstanding the provisions of subdivisions (1), (2), and (5) of Section 1735 of the Civil Code.

CHAPTER 2293

An act to repeal Sections 1510, 1511, 1512, 1526, and 1527 of, to add Sections 1510, 1511, 1512, and 1526 to, and to amend Sections 1511.5 and 1554 of, the Welfare and Institutions Code, relating to aid to needy children, and making an appropriation therefor.

[Approved by Governor July 13, 1957 Filed with Secretary of State July 15, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Sections 1510, 1511, 1512, 1526, and 1527 of the Welfare and Institutions Code are repealed. Repeals

SEC. 2. Section 1510 is added to said code, to read:

Appropriation

1510. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to each county for the support and maintenance of needy children 67.5 percent of the sums specified in Section 1511, and for each child for whom application is made under Section 1557 the sum of twenty-four dollars ($24) per month.

SEC. 3. Section 1511 is added to said code, to read:

Aid Amount

1511. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, except as provided in Section 1557, there shall be paid the sums specified in the following table, or so much thereof as is necessary for the adequate care of the needy family:

Number of needy children in the same home	Maximum aid
1 child	$135
2 children	153
3 children	195
4 children	231
5 children	261
6 children	285
7 children	303
8 children	315
9 children or more	321

If, when and during such times as the United States Government increases or decreases its contributions in assistance of needy children in this State above or below the amount paid on January 1, 1951, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States Government.

(b) For each needy child in an institution or a boarding home who is qualified for aid under the provisions of this chapter, except as provided in Section 1557, there shall be paid the sum of seventy-five dollars ($75) per month, or so much thereof as is necessary for the adequate care of the child, irrespective of the number of children in the institution or boarding home. The State shall pay 67 5 percent and the county shall pay 32.5 percent of the aid furnished for the adequate care of such children.

SEC. 4. Section 1512 is added to said code, to read:

County aid

1512. Every county shall grant aid to any child eligible therefor, in any amount needed, not to exceed the amount specified in Section 1511.

Nothing in this section shall prevent any county from paying from its own funds in its discretion, additional sums for the care of any child.

SEC. 5. Section 1526 is added to said code, to read:

Residence

1526. County residence is not a qualification for aid under this chapter.

County responsibility for making aid payments shall be determined in accordance with the rules set forth in this section. These rules shall be applied so as to preserve and maintain the family group of which the child is a part.

(a) The county where the parents, relative or person in loco parentis providing a home and care for the child lives shall accept the application in behalf of the child and shall be responsible for paying the aid.

(b) If a child has been placed in a boarding home or institution by a public or private agency, the county where the agency is located shall be responsible for paying the aid until subdivision (a) of this section applies.

(c) Responsibility for payment of aid to any child qualifying for and receiving aid from any county who removes to another county in this State to make his home shall be transferred to the second county as soon as administratively possible but not later than the first day of the month following 60 days after notification to the second county.

SEC. 6. Section 1511.5 of said code is amended to read:

1511.5. Minimum basic standards of adequate care shall be distributed to the counties and shall be binding upon them. Such standards shall be determined by the rules and regulations of the State Board of Social Welfare, to insure: Standards

(a) Safe, healthful housing.

(b) Minimum clothing for health and decency.

(c) Low cost adequate food budget meeting recommended dietary allowances of the National Research Council adapted to prices of the area in which the recipient resides.

(d) Utilities in accordance with the basic minimum need.

(e) Other items verified as needed, including household operation, education and incidentals, recreation, personal needs, and insurance.

(f) Allowance for essential household furniture and equipment.

(g) Allowance for essential medical, dental, or other remedial care when not available through a public facility.

(h) Allowances for special needs for any one or more of the following items: special diets upon the recommendation of a physician, transportation, laundry, housekeeping service, and telephone; and utilities in excess of the basic minimum need.

SEC. 7. Section 1554 of said code is amended to read:

1554. From the sums appropriated in Section 1510 of this code, the State Treasurer shall pay to the county, for each child to whom aid is given under the provisions of this chapter, an amount not to exceed the amount appropriated for each child in Section 1510 of this code. The amount to be paid by the State Treasurer for any needy child shall be computed as follows: Payments to counties

For each child who has residence in the State as defined by Section 1525, the amount granted by the United States Government and paid by the State Treasurer under the provisions of subdivision (a) of Section 1553 for such child shall be

deducted from the total amount granted for the child pursuant to Section 1511 of this code, and 67.5 percent of the remaining sums shall be paid to the county by the State Treasurer In no event shall this amount exceed the amount granted for a needy child by subdivision (a) of Section 1511 of this code.

Operative date

SEC. 8. This act shall become operative October 1, 1957.

CHAPTER 2294

An act to amend Section 2110 of the Streets and Highways Code, relating to Highway Users Tax Fund.

In effect September 11, 1957

[Approved by Governor July 13, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2110 of the Streets and Highways Code is amended to read:

Apportionment

2110. The moneys payable to the counties under Section 2104 shall be apportioned among the several counties as follows:

(a) The first five hundred thousand dollars ($500,000) shall be apportioned for snow removal on county roads to the following counties in the named percentages:

Alpine	.43 percent
Amador	.20 percent
Butte	1.91 percent
Calaveras	.70 percent
El Dorado	2.82 percent
Humboldt	1.14 percent
Inyo	1.94 percent
Kern	1.10 percent
Lassen	5.96 percent
Los Angeles	7.15 percent
Lake	.51 percent
Madera	1.02 percent
Mariposa	.52 percent
Modoc	3.47 percent
Mono	4.20 percent
Nevada	6.07 percent
Placer	4.77 percent
Plumas	13.38 percent
Riverside	1.08 percent
San Bernardino	8.39 percent
San Diego	2.98 percent
Shasta	6.40 percent
Sierra	2.51 percent
Siskiyou	11.79 percent
Tehama	.10 percent
Trinity	6.46 percent
Tuolumne	1.19 percent
Yuba	1.81 percent

(b) The second five hundred thousand dollars ($500,000) shall be apportioned for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Alameda	2.874
Amador	.148
Butte	.176
Colusa	.370
Contra Costa	11.564
Del Norte	.275
Fresno	.698
Humboldt	5.395
Los Angeles	10.839
Marin	4.134
Mendocino	2.279
Monterey	4.046
Napa	2.133
Nevada	.785
Orange	.056
Placer	.093
Plumas	.981
Riverside	1.296
San Benito	1.170
San Bernardino	2.852
San Francisco	1.111
San Diego	3.017
San Luis Obispo	6.322
Santa Barbara	8.376
Santa Cruz	13.298
Sierra	.364
Siskiyou	.890
Sonoma	11.195
Trinity	2.337
Yuba	.926

(c) The remainder shall be apportioned among the several counties in the proportion that the number of fee-paid vehicles registered in each of such counties as of the last day of the second calendar quarter preceding the month in which the apportionment is required to be made bears to the total number of fee-paid vehicles registered in the State as of such date, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued.

The Department of Motor Vehicles shall, when requested by the Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county and in the State according to the records of the department, for the use of the Controller in making the apportionments provided for herein.

CHAPTER 2295

An act making an appropriation for a museum of natural history at Morro Bay State Park.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the State Park Fund to the Division of Beaches and Parks, Department of Natural Resources, for expenditure for the establishment and operation of a museum of natural history at Morro Bay State Park.

CHAPTER 2296

An act to add Sections 14638.1, 14638.2, and 14638.3 to, and to amend Sections 14565 and 14575 of, the Education Code, relating to benefits payable under the State Teachers' Retirement System.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 14638.1 is added to the Education Code, to read:

Election of option before retirement

14638.1. Any member who has qualified for service retirement under Section 14601, may elect, as provided in Section 14637, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service or disability in a reduced retirement allowance according to the provisions of either Option 2 or Option 3 as stated in Section 14637. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14638.2, the election under this Section 14638.1 shall be invalid and of no effect unless and until the consent of such spouse to it, is filed at the office of the retirement system in Sacramento, California.

Benefits upon death before retirement

Upon such member's death at least 30 days after the date upon which the election is received in the office of the retirement system in Sacramento, California, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death

benefit provided by Section 14575 and the allowance provided by Section 14638.2, and no such death benefit or such allowance shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member. Payment of the allowance under the option following such death, shall be in addition to the payment to any beneficiary, of any survivor allowance provided under this system.

Retirement allowance

If such member subsequently retires for service or disability, he shall receive, regardless of whether the person nominated by him under the option elected, is then living, a reduced allowance according to the provisions of Section 14637 and the option elected, and he shall be subject to Section 14638.

The amount of the allowance prior to optional modification, shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected, shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

SEC. 2. Section 14638.2 is added to said code, to read:

Benefits upon death before retirement

14638 2. Upon the death before retirement of a member who is qualified for service retirement under Section 14601, and on account of whose death the benefit provided by Section 14575 is otherwise payable, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options in Section 14637, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be payable:

(a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death; provided, such widow or widower does not qualify for an allowance under Section 14638.1; or

(b) If there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including stepchildren, of the member, who are under 18 years of age.

The allowances payable under this section shall be in lieu of the death benefit provided by Section 14575, except for the accumulated annuity deposits included therein, but a person qualifying for the allowance or such person's guardian may elect, before the first payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated annuity deposits shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

SEC. 3. Section 14638 3 is added to said code, to read:

Same

14638.3. The allowance provided by Section 14638.2 shall be paid from the Retirement Annuity Fund, and shall begin to

accrue on the day next following the date of death of the member, and payments to a surviving spouse shall continue only until death or remarriage, and to or on account of children with respect to each child, until the attainment of age 18 or prior marriage

If payment of the allowance provided by Section 14638.2 is stopped because of remarriage of the surviving spouse, or the attainment of the age of 18 years by a child, before the sum of the monthly payments made, equals the death benefit provided by Section 14575, exclusive of accumulated annuity deposits, a lump sum equal to the difference shall be paid to the remarried spouse, or if there is no such spouse, to the surviving children of the member, share and share alike

From the monthly allowance payable under Section 14638.2, there shall be deducted a total amount equal to that portion of the benefit payable on account of said death by a local retirement system, which is provided from contributions of the district operating said system, and is in addition to the portion of the benefit payable by said local system which is made up of the accumulated contributions of the member, and no monthly allowance shall be paid under this section until the total amount deducted equals said portion provided by district contributions.

SEC. 4. Section 14565 of said code is amended to read:

Payments to local districts

14565. (a) At the beginning of each fiscal year the retirement system shall pay to each local district maintaining a local retirement system the following amounts:

(1) From the Teachers' Retirement Fund, an amount equal to the difference with respect to all service rendered by persons whose retirement is effective prior to July 1, 1947, and with respect to service rendered prior to July 1, 1944, by persons whose retirement is effective after June 30, 1947, and one-half the difference with respect to service rendered after June 30, 1944, by persons whose retirement is effective after June 30, 1947, between the benefits paid from the Teachers' Retirement Fund during the preceding year to persons who are entitled to receive benefits from the local retirement system and the benefits which would have been paid during the preceding year to those persons if they were not entitled to receive benefits from the local retirement system.

(2) From the Teachers' Retirement Fund, an amount equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on account of persons who qualified for death benefits under the local retirement system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local retirement system, all regardless of elections of survivor allowances under Section 14638.2.

(b) The amounts paid under subdivision (a) of this section by the retirement system to each local district maintaining a local retirement system shall be reflected in the records of the

system as having been made from the Retirement Annuity Fund and they shall not be used to reduce the contributions required of members of the local retirement system or to increase the benefits payable by the local retirement system, but shall be applied to reduce the cost of support of the local retirement system to the taxpayers of the local district maintaining the local retirement system.

(c) The State shall contribute annually to the Teachers' Retirement Fund the amounts required to be paid from said fund under subdivision (a) of this section.

SEC. 5. Section 14575 of said code is amended to read:

Death benefit

14575. Upon receipt of proof of a member's death which occurred before the effective date of his retirement or before the date upon which a retirement allowance is granted to him, whichever is the later date, or, with respect to a member who elects an option upon qualification for service retirement as provided in Section 14638.1, before the effective date of such election, and within four months after the termination of the member's employment in a status requisite for membership in this retirement system, or while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from said termination, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board subject to Section 14638.2 with respect to the amount payable under subdivision (d):

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 14337, together with the interest accumulated thereon.

(d) An amount, provided from contributions by the State, and payable from the Retirement Annuity Fund, equal to one-twelfth for each completed year of service as a member, not to exceed six, of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of school days during the school year in which said employment existed. From the amount determined under the sentence next preceding, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local retirement system, which is provided from contributions of the district operating said system, and is in addition to the portion of the benefit payable by said local system which is made up of the accumulated contributions of the member.

CHAPTER 2297

An act to amend Section 3075 of the Penal Code, relating to county boards of parole commissioners.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3075 of the Penal Code is amended to read:

3075. There is in each county a board of parole commissioners, consisting of the following: (1) the sheriff, (2) the probation officer, and (3) a member not a public official to be selected from the public by the presiding judge, if any, or, if none, by the senior judge in point of service, of the superior court.

CHAPTER 2298

An act to add Article 6 (commencing at Section 23095) to Chapter 1.5 of Division 9 of, and to amend Section 25761 of, the Business and Professions Code, relating to alcoholic beverages, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing at Section 23095) is added to Chapter 1.5 of Division 9 of the Business and Professions Code, to read:

Article 6. Stay of Suspension

Compromise petition

23095. Whenever a decision of the department suspending a license for 30 days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of such suspension, petition the department for permission to make an offer in compromise, to be paid into the Alcohol Beverage Control Fund, consisting of a sum of money in lieu of serving such suspension. Upon the receipt of such a petition, the department may stay the proposed suspension and cause such investigation to be made as it deems desirable and may grant such petition if it is satisfied (a) that the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension; (b) that public convenience and necessity would be better served by permitting the licensee to operate during the period set for suspension and that the payment of the sum of money will achieve the desired disciplinary purpose; (c) that

the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages which the licensee would have suffered had such suspension gone into effect can be determined with reasonable accuracy therefrom. Such offer in compromise shall be the equivalent of 20 percent of the estimated gross sales of alcoholic beverages for each day of such proposed suspension, and such offer in compromise shall be not less than two hundred fifty dollars ($250) nor more than two thousand dollars ($2,000).

The department shall not accept a petition under this section with respect to a license to be suspended if, within 18 months immediately preceding the date of filing of the petition, such license has been suspended by a final decision of the department or an offer in compromise has been accepted by the department.

Deposit

23096. The moneys derived from a payment in compromise under Section 23095 shall be paid to the State Treasury for deposit in the Alcohol Beverage Control Fund. Upon such payment, the department shall enter its further order permanently staying the imposition of the suspension.

Limitation

23097. In connection with any such petition, the authority of the department is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the suspension. If the suspension was imposed as a result of an accusation filed by another public officer acting in his official capacity, the department shall not order such permanent stay of suspension without the written concurrence of such other public officer.

Suspension

23098. If the department does not make the findings required in Section 23095, and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the department.

SEC. 2. Section 25761 of said code is amended to read:

License fees

25761. All money collected as license fees, as payments under Section 23096, and under the excise tax provisions of this division or Part 14 of Division 2 of the Revenue and Taxation Code shall be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund, which fund is continued in existence.

Same: Allocation

The money in the Alcohol Beverage Control Fund is appropriated as follows:

(a) Ninety percent of all money collected from license fees, except amounts deposited in the fund pursuant to Section 23959, and of all money collected from payments made under Section 23096, shall be paid semiannually to the counties, cities and counties, and cities of this State in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount collected throughout the State. The Controller shall, during the months of April and October of the year, draw his warrants upon the fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled under this section.

(b) Such amount as is necessary for the allowance of the refunds provided for in this division or Part 14 of Division 2 of the Revenue and Taxation Code.

(c) Any remaining balance shall be transferred to the General Fund on the order of the Controller.

CHAPTER 2299

An act to amend Section 260 and to add Sections 263, 263.1, 263.2, 263.3, 263.4, 263.5, and 263.6 to the Agricultural Code, relating to bovine brucellosis, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 260 of the Agricultural Code is amended to read:

Definitions

260. As used in this article:

(a) "Premises" means any place where cattle have been or are kept.

(b) "Cattle" and "bovine animals" mean neat cattle.

(c) "Vaccine" means any vaccine produced by a laboratory licensed by the Bureau of Animal Industry of the United States Department of Agriculture and recognized by the department for use in preventing and/or treating brucellosis in cattle.

(d) "Vaccinate" or "vaccination" means the use of vaccine in cattle.

(e) "Brucellosis" means the disease of cattle caused by Brucella micro-organisms.

(f) "Official veterinarian" means a veterinarian in the employ of the United States Department of Agriculture or the department.

(g) "Accredited veterinarian" means a veterinarian who is so designated by the United States Department of Agriculture and the department.

(h) "Modified certified brucellosis-free area," means any area that has been so declared by the Federal and State Departments of Agriculture in accordance with the provisions of the uniform methods and rules for the establishment and maintenance of certified brucellosis-free herds of cattle and modified certified areas adopted by the United States Department of Agriculture.

(i) "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a test for brucellosis approved by the director.

SEC. 2. Section 263 is added to said code, to read:

Brucellosis control areas

263. The department may, after hearing, establish and maintain brucellosis control areas within this State, wherein the department shall examine and test such cattle for brucellosis as the director may specify, as often as may be deemed

necessary to qualify and maintain such areas as modified certified brucellosis-free areas

SEC. 3. Section 263.1 is added to said code, to read:

Samples

263.1 All owners of cattle, subject to examination and testing for brucellosis, within a brucellosis control area, shall upon request of the department, provide necessary facilities for collecting such samples of blood or milk as may be deemed necessary to conduct tests for brucellosis, and render such assistance as may be required.

SEC. 4. Section 263.2 is added to said code, to read:

Branding

263.2. Any bovine animal in a brucellosis control area reacting positively to a test for brucellosis shall immediately be branded and identified in accordance with the rules and regulations of the director, and shall be moved from the area within 30 days in accordance with the rules and regulations of the director.

SEC. 5. Section 263.3 is added to said code, to read:

Refusal to allow inspection

263.3. It is unlawful to refuse to submit cattle, required to be tested under this article, for the collection of milk or blood samples, or to refuse to submit milk samples as may be necessary for the testing of cattle for brucellosis as required by this article.

SEC. 6. Section 263.4 is added to said code, to read:

Refusal to confine

263.4. If any owner or person in charge of cattle, after 10 days' official notice in writing by the department, refuses properly to confine in corrals, stanchions or chutes, any cattle within a brucellosis control area which are required to be tested and identified under this article, said owner is guilty of a misdemeanor and the department may incur such expense as is necessary to properly confine and identify such cattle. The expense so incurred is a lien upon said cattle and unless paid within 10 days after written notice of the amount of the same has been given by the department to the owner or person in possession of said cattle, the lien shall be enforced in the manner prescribed in Section 3052 of the Civil Code.

SEC. 7. Section 263.5 is added to said code, to read:

Regulations

263.5. The director shall, by regulation, designate the conditions under which cattle may be moved into a brucellosis control area.

SEC. 8. Section 263.6 is added to said code, to read:

Violations

263.6. Any person who violates any regulation made under this article is guilty of a misdemeanor.

Appropriation

SEC. 9. The sum of sixty-eight thousand two hundred forty-nine dollars ($68,249) is appropriated from the General Fund for the support of the Department of Agriculture to be expended in connection with the brucellosis control program in augmentation of Item 37 of the Budget Act of 1957.

CHAPTER 2300

An act to amend Sections 1622 and 2302 of the Welfare and Institutions Code, relating to reimbursement of agencies for the cost of inspecting and licensing boarding homes for children and aged persons.

In effect September 11, 1957

[Approved by Governor July 13, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1622 of the Welfare and Institutions Code is amended to read:

Inspection

1622. The State Department of Social Welfare may inspect, examine and license under this chapter or any county or city may establish, and the State Department of Social Welfare may accredit and approve, a county or city inspection service to perform such functions under this chapter.

If any county or city establishes an inspection service, and such service is approved by the State Department of Social Welfare, the inspection may be made by a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the State Department of Social Welfare.

The costs of any inspection service undertaken by a county or city, with the approval of the State Department of Social Welfare, shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration, but not to exceed in any fiscal year an amount equal to sixty-five dollars ($65) for each new or renewal license granted. Claims shall be filed with the department at the time and in the manner specified by the department for reimbursement of the expenses incurred. 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 the adjustment to the appropriation for the prior fiscal year. If any grants-in-aid are made by the Federal Government for the support of any inspection service approved by the State Department of Social Welfare, the amount of the federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the State.

SEC. 2. Section 2302 of said code is amended to read:

Same

2302. The State Department of Social Welfare may inspect, examine and license under this chapter or any county or city may establish, and the State Department of Social Welfare may accredit and approve, a county or city inspection service to perform such functions under this chapter.

If any county or city establishes an inspection service, and such service is approved by the State Department of Social Welfare, the inspection may be made by either a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the State Department of Social Welfare.

The costs of any inspection service undertaken by a county or city, with the approval of the State Department of Social Welfare, shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration, but not to exceed in any fiscal year an amount equal to sixty-five dollars ($65) for each new or renewal license granted. Claims shall be filed with the department at the time and in the manner specified by the department for reimbursement of the expenses incurred. 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 the adjustment to the appropriation for the prior fiscal year. If any grants-in-aid are made by the Federal Government for the support of any inspection service approved by the State Department of Social Welfare, the amount of the federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the State.

SEC. 3. This act shall become operative October 1, 1957. Operative date

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CHAPTER 2301

An act to amend Section 18711 of the Business and Professions Code, relating to the regulation of boxing contests and sparring and wrestling matches and exhibitions.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 15, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18711 of the Business and Professions Code is amended to read:

18711. Except as provided in Section 18713, every club licensed under this chapter shall, within 72 hours after the determination of every contest, match or exhibition for which an admission fee is charged and received, furnish to the commission a written report duly verified by one of its officers, showing the number of tickets issued or sold for such contest, match or exhibition, the amount of the gross receipts or value thereof, and the gross price charged directly or indirectly and no matter by whom received, for the sale, lease or other exploitation of broadcasting and television rights of such contest,

match or exhibition, and without any deductions whatsoever for commissions, brokerage, distribution fees, advertising or any other expenses, charges, and recoupments in respect thereto and such other matters as the commission may prescribe. Such club shall also within the same time pay to the commission a tax, exclusive of any federal taxes paid thereon, of one cent ($0.01) for each twenty cents ($0.20) or fraction thereof of the amount paid for admission to such contest, match or exhibition, and of the gross price as described above for the sale, lease or other exploitation of broadcasting or television rights thereof, except that in no case shall such tax be less than twenty-five dollars ($25). Said tax shall apply uniformly at the same rate to all clubs subject to the tax. In the case of persons (except bona fide employees, municipal or county officers on official business, members and employees of the commission) admitted free or at reduced rates to any boxing contest or wrestling match or exhibition at a time when and under circumstances under which an admission charge is made to other persons, an equivalent tax based on the price so charged to such other persons for the same or similar accommodations shall be collected by the club, holding such contest, match or exhibition from the person so admitted and paid to the commission at the same time and in the same manner as other taxes are paid to the commission.

CHAPTER 2302

An act to add Section 22126 to the Government Code, relating to state and county retirement laws.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 22126 is added to the Government Code, to read:

22126. When and as permitted by the Social Security Act, for all purposes under this part each retirement system in which firemen and policemen are classified separately from other members of such system and separate benefit and contribution provisions are applicable to such class shall be deemed to constitute a separate retirement system with respect to the positions of such policemen or firemen or both, as the case may be, covered by the retirement system.

CHAPTER 2303

An act to amend Sections 74082, 74083, 74084, 74085, 74091 of, and to add Sections 74083.1 and 74083.2 to, and to add Article 7.5, commencing with Section 73580, to Chapter 10 of Title 8 of, the Government Code, relating to the municipal courts in Contra Costa County.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 15, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 74082 of the Government Code is amended to read:

Salaries Clerk

74082. There shall be one clerk who shall receive a minimum salary of six hundred twenty-four dollars ($624) monthly with annual increments of twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32), and thirty-four dollars ($34) a month to a maximum salary of seven hundred fifty dollars ($750) a month.

SEC. 2. Section 74083 of said code is amended to read:

74083. The clerk shall appoint:

Deputy clerks

(a) One chief deputy, who shall receive a minimum salary of four hundred seventy-four dollars ($474) a month with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-six dollars ($26) a month to a maximum salary of five hundred sixty-nine dollars ($569) a month.

(b) Three deputy clerks who shall be court clerks, each of whom shall receive a minimum salary of four hundred fifty-three dollars ($453) a month with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) a month to a maximum of five hundred forty-three dollars ($543) a month.

(c) Eight deputy clerks, (grade II), each of whom shall receive a minimum salary of three hundred fourteen dollars ($314) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) a month to a maximum of three hundred seventy-seven dollars ($377) a month.

(d) Three deputy clerks, each of whom shall receive a minimum salary of two hundred seventy-four dollars ($274) a month with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) a month to a maximum of three hundred twenty-nine dollars ($329) a month. Within six months from the effective date of this section, notwithstanding any other provision of this code, the civil service commission of the county shall prescribe the working hours, duties and responsibilities of all deputies, attaches, and employees of the clerk's office, including those of the clerk.

SEC. 3. Section 74083.1 is added to said code, to read:

Chief deputy clerk

74083.1. The clerk, immediately following the effective date of this section, with the unanimous approval of the judges and, in the event the judges are unable to unanimously agree, then with the approval of the judge senior in service, shall fill the position of chief deputy clerk through a civil service examination to be held among only the courtroom deputy clerks who have served continuously as such from the time the court first started to function on January 1, 1952. This examination for chief deputy clerk shall be entirely in writing and all such clerks taking the examination shall be placed on a list of eligibles by the civil service commission in the order of their examination grades and the highest person so graded on such list shall be certified by the commission to the clerk for appointment to the position of chief deputy clerk and the clerk shall then immediately appoint such person to that position. If such person declines the appointment, or requests to be relieved therefrom within six (6) months after acceptance of the appointment, then, and in such event, the next highest person on such list shall keep or regain his position on such list and shall be immediately appointed by the clerk to such position. In the event such person declines the appointment or requests to be relieved therefrom, as herein provided, then such person shall be immediately returned to his original position of courtroom clerk. In the event all of the courtroom deputy clerks decline to accept such position of chief deputy or decline to take such examination an examination shall be given among the deputies in paragraph (c) of Section 74083. Immediately following the appointment of the chief deputy clerk, as herein provided, the clerk, with the unanimous approval of the judges and, in the event the judges are unable to unanimously agree, then with the approval of the judge senior in service, shall assign each of his deputies, attaches, and employees to a position prescribed in this article. Deputies, attaches and employees shall be assigned first to the highest position, other than chief deputy clerk, and then in order to the next highest position provided in this article. Of the eight positions provided by subdivision (c) of Section 74083 immediately preceding the effective date of this section, the person or persons who before such effective date are senior in service in such positions shall be assigned to the higher position or positions in Section 74083 on the basis of their seniority of employment in a position provided in subdivision (c) of Section 74083 immediately preceding the effective date of this section, so that the person or persons senior in employment are assigned to the higher position or positions in subdivision (b) of Section 74083; and of the four persons holding positions provided by subdivision (d) of Section 74083 immediately preceding the effective date of this section, the person or persons who before such effective date are senior in service in such positions shall be assigned to the higher position or positions in Section 74083 on the basis of their seniority of employment

Examination and appointment

in a position provided in subdivision (d) of Section 74083 immediately preceding the effective date of this section, so that the person or persons senior in employment are assigned to the higher position or positions. No further examination or qualification shall be required of deputies, attaches, or employees assigned pursuant to this section, but thereafter all vacancies shall be filled in the manner prescribed by this article, including the position of chief deputy clerk.

Calendar clerk

The clerk may assign any one of the deputies employed under subdivision (c) or subdivision (d) of Section 74083 to perform the duties of calendar clerk.

Salary

If the salary prescribed by Section 74083 for the position to which a deputy, attache, or employee is assigned pursuant to this section is less than that which he received immediately prior to the effective date of this section, he shall nonetheless continue to receive such higher salary in the position to which he is assigned.

A person who takes a promotional examination and is appointed to the higher position shall, in the event that the beginning salary of the higher position is the same or lower than the salary received by such person immediately before appointment to the higher position, receive the salary in the range next above the salary received by such person in the position which such person held immediately before appointment to the higher position.

SEC. 4. Section 74083.2 is added to said code, to read:

Allocations of ranges and increments

74083.2. The allocations of the ranges and increments for the persons appointed by the clerk pursuant to this article on the effective date of this section shall be made, subject to the provisions of this article, by the clerk, with the unanimous approval of the judges and, in the event the judges are unable to unanimously agree, then with the approval of the judge senior in service.

SEC. 5. Section 74091 of said code is amended to read:

Vacancies

74091. Whenever a position described in Section 74083, other than for deputy clerks in subdivision (d) of Section 74083, becomes vacant, the appointing officer shall immediately request the civil service commission of the county to certify to him for appointment the highest person on the list of eligibles, as indicated in the request of the appointing authority, and such person shall be immediately appointed to such position. Lists of eligibles to fill vacant positions other than for deputy clerks in subdivision (d) of Section 74083, and subject to the provisions of Section 74083.1, shall be composed only of persons holding positions in the next lower classification of deputy clerks in such municipal court. The examination to develop such lists shall be entirely in writing. Monthly compensation shall determine which deputy clerks are of the next lower classification. Temporary appointees shall receive the minimum salary set up opposite the title of their respective positions. Temporary appointments to promotive positions shall be made from the next lower classi-

fication and shall be given to the persons senior in the employment in the next lower classification. Vacancies in subdivision (d) of Section 74083 shall be filled by the appointing officer from the three highest persons on the list of eligibles certified to him by the civil service commission of the county. Except as otherwise provided in this article, no person shall become a permanent employee unless appointed from a list of eligibles certified to the appointing officer by the commission.

SEC. 5. Section 74084 of said code is amended to read:

Salaries: Marshal

74084. There shall be one marshal who shall receive a minimum salary of six hundred twenty-four dollars ($624) a month with annual increments of twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32), and thirty-four dollars ($34) a month to a maximum of seven hundred fifty dollars ($750) a month.

Notwithstanding any other provision of law if the office of marshal becomes vacant by reason of death, resignation, or expiration of term, the marshal shall be appointed by a majority of the judges. The marshal so appointed or reappointed shall receive a salary of seven hundred fifty dollars ($750) a month. For the purposes of Section 31982 the entrance into service shall be deemed the effective date of the marshal's appointment or reappointment.

SEC. 6. Section 74085 of said code is amended to read:

74085. The marshal shall appoint:

Deputy marshals

(a) One chief deputy marshal who shall be paid a minimum salary of four hundred seventy-four dollars ($474) a month 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 five hundred sixty-nine dollars ($569) a month, and who shall be first in authority under the marshal and shall take care of all night work.

(b) Five deputy marshals, each of whom shall be paid a minimum salary of four hundred fourteen dollars ($414) a month with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) a month to a maximum of four hundred ninety-six dollars ($496) a month.

(c) One deputy marshal, who shall be a senior clerk, and who shall receive a minimum salary of three hundred sixty dollars ($360) a month with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and nineteen dollars ($19) a month to a maximum of four hundred thirty-three dollars ($433) a month.

(d) One deputy marshal, who shall be an intermediate typist-clerk, and who shall receive a minimum salary of three hundred fourteen dollars ($314) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) a month to a maximum of three hundred seventy-seven dollars ($377) a month. The primary duties of such deputy shall be the processing of all types of legal documents which are to be served by the

marshal's office and the bookkeeping in connection with the receipt and disbursement of any and all funds in connection with said process.

(e) One deputy marshal, who shall be a typist-clerk, and who shall receive a minimum salary of two hundred seventy-four dollars ($274) a month with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) a month to a maximum of three hundred twenty-nine dollars ($329) a month.

(f) Ten deputies who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Custodians

SEC. 7. Article 7.5, commencing with Section 73580, is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 7.5. Concord

73580. This article applies to the municipal court established in a district embracing the City of Concord. Application

73581. There shall be one judge. Judge

73582. There shall be one clerk who shall be appointed by the judge, and who shall receive a minimum salary of four hundred fifty-three dollars ($453) a month with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) a month to a maximum salary of five hundred forty-three dollars ($543) a month. Salaries Clerk

73583. The judge shall appoint:

(a) One court clerk who shall receive a minimum salary of four hundred fifty-three dollars ($453) a month with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) a month to a maximum salary of five hundred forty-three dollars ($543) a month. Court clerk

(b) One chief deputy clerk who shall receive a minimum salary of three hundred twenty-nine dollars ($329) a month with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) a month to a maximum salary of three hundred ninety-five dollars ($395) a month. Chief deputy clerk

(c) Two deputy clerks, each of whom shall receive a minimum salary of three hundred fourteen dollars ($314) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) a month to a maximum salary of three hundred seventy-seven dollars ($377) a month. Deputy clerks

(d) One deputy clerk who shall receive a minimum salary of two hundred seventy-four dollars ($274) a month with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) a

month to a maximum salary of three hundred twenty-nine dollars ($329) a month.

Marshal

73584. There shall be one marshal who shall be the present incumbent of the office of constable of the Concord Judicial District, and who shall receive a minimum salary of five hundred ninety-six dollars ($596) a month with annual increments of twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32) to a maximum salary of seven hundred sixteen dollars ($716) a month.

73585. The marshal shall appoint:

Deputy marshals

(a) One deputy marshal who shall receive a minimum salary of four hundred fourteen dollars ($414) a month with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum salary of four hundred ninety-six dollars ($496) a month.

(b) One deputy marshal who shall be an intermediate typist-clerk, and who shall receive a minimum salary of three hundred fourteen dollars ($314) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) a month to a maximum salary of three hundred seventy-seven dollars ($377) a month.

Reporter

73586. The judge may appoint one official reporter pursuant to Section 73194 who shall be an attache of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, he shall receive a salary of five hundred seventy-five dollars ($575) a month, which shall be a charge against the general fund of the county.

Appointment

73587. Deputy clerks and deputy marshals shall be appointed from the present personnel of the Concord Judicial District without examination, and upon appointment shall become members of the county civil service system.

Vacancies

73588 If the present personnel of the Concord Judicial District is insufficient in number to fill all of the positions created by this article, or when a position described in this article becomes vacant, the judge shall request the civil service commission of the county to certify to him for appointment the highest person on the list of eligibles. The county civil service commission shall certify the highest person qualified and, if necessary, the commission shall classify positions, establish qualifications and give examinations for this purpose. All appointments shall be made from persons certified by the commission.

Additional employees

73589. If an increase in business of the court or other emergency requires a greater number of employees for the prompt and faithful discharge of the business of the court than the number expressly provided by law, or requires the performance of duties of positions in the lowest salary bracket where

all such positions have been filled, the judge may appoint as many additional employees as are needed.

Such additional employees shall be selected in the same manner as those for whom express provision is made, and they shall receive compensation in the same amount as the lowest salary bracket provided for such class of employee. Employees may continue in such positions not longer than ninety (90) days after the adjournment of the next regular session of the Legislature.

SEC. 8. Salaries of attaches and employees of the court appointed pursuant to this act, for work performed prior to the effective date of the act, shall be a charge against the county. Salaries

SEC. 9. All permanent attaches and employees shall become members of the county civil service system and be entitled to all the benefits and protection thereof. Civil service

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CHAPTER 2304

An act to amend Sections 70047, 70056, 74086, 74087, and 74093 of the Government Code, relating to courts.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 70047 of the Government Code is amended to read:

70047. In a county with a population of over 295,000 and under 500,000, each regular official reporter shall be paid an annual salary of eight thousand seven hundred dollars ($8,700), and each pro tempore official reporter shall be paid thirty-five dollars ($35) a day for the days he actually is on duty under order of the court. Salaries Reporters

SEC. 2. Section 70056 of said code is amended to read:

70056. In a county with a population of over 295,000 and under 500,000, the fee required by Section 70053 shall be seven dollars ($7). Fee

SEC. 3. Section 74086 of said code is amended to read:

74086. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attaches of the court. In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of six hundred seventy-five dollars ($675) a month, which shall be a charge against the general fund of the county. Reporters

SEC. 4. Section 74087 of said code is amended to read:

74087. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall re- Additional reporters

ceive the fees provided by Sections 69947 and 69953, inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive thirty-five dollars ($35) a day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 5. Section 74093 of said code is amended to read:

Fees

74093 In any civil action or proceeding, in addition to the fees required by Article 2 of Chapter 8 of this title, a fee of six dollars ($6) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding.

The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of this title.

CHAPTER 2305

An act making an appropriation for the acquisition of a site and the construction of a small craft harbor and recreation area at Playa del Rey in Los Angeles County.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two million dollars ($2,000,000), or so much thereof as may be necessary, heretofore appropriated by Item 331.5 of the Budget Act of 1954, is hereby appropriated without regard to fiscal years to the County of Los Angeles for the cost of matching and cooperation by the county with the Federal Government, including reimbursement for necessary advances made, in the acquisition of a site and the construction and development of a small craft harbor and recreation area at Playa del Rey, which work includes constructing entrance jetties, dredging entrance and main channels, and revetting the banks adjoining the entrance channel.

SEC. 2. The money appropriated by this act shall be paid to the County of Los Angeles upon the submission of verified claims therefor to the State Controller.

SEC. 3. Commencing July 1, 1961, the County of Los Angeles shall annually pay to the State of California not less

than one-half of the net revenues received by it from the operation of the small boat harbor and recreation area at Playa del Rey after the interest and sinking fund requirements of any revenue bonds issued and sold in connection with the construction and improvement of the harbor and recreation area have been met, until the total amount paid to the County of Los Angeles pursuant to this act has been repaid together with an amount specified by the Director of Finance to be in lieu of interest on the unpaid balance which the State would receive if the money were to be invested by the State.

The annual payments made by the County of Los Angeles pursuant to this section shall be in an amount at least sufficient to pay the total amount of indebtedness within not to exceed 35 years of the date of the first payment.

CHAPTER 2306

An act to amend Sections 511, 511.1, and 511.3 of the Vehicle Code, relating to speed limits.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 511 of the Vehicle Code is amended to read:

511. Prima Facie Speed Limits. The speed of any vehicle upon a highway not in excess of the limits specified in this section or established as authorized in this code is lawful unless clearly proved to be in violation of the basic rule declared in Section 510 hereof

Prima facie speed limits

The speed of any vehicle upon a highway in excess of any of the limits specified in this section or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that any said speed in excess of said limits did not constitute a violation of the basic rule declared in Section 510 hereof at the time, place and under the conditions then existing.

The prima facie limits referred to above are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, then only when signs have been erected giving notice thereof, in which event the speed designated on the sign shall be the prima facie limit:

(a) Fifteen miles per hour: 15 m p h

(1) When traversing a grade crossing of a steam, electric or street railway, if during the last 100 feet of the approach to such crossing the driver does not have a clear and unobstructed view of such crossing and of any traffic on such railway for a distance of 400 feet in both directions along such railway. This subdivision shall not apply in the case of any railway grade crossing where human flagman is on duty or a

clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to such intersection the driver does not have a clear and unobstructed view of such intersection and of any traffic upon all of the highways entering such intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

25 m p h (b) Twenty-five miles per hour:

(1) In any business or residence district unless a different speed is determined by competent authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to the highway while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while such grounds are in use by children.

55 m p h (c) Fifty-five miles per hour under all other conditions unless a different speed is specifically designated in this code or is determined and declared by competent authority under procedures set forth in this code.

SEC. 2. Section 511.1 of said code is amended to read:

Speed zones 511.1. Establishment of State Speed Zones. (a) Authority to Increase 25-mile Limit. Whenever the Department of Public Works determines upon the basis of an engineering and traffic investigation that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any state highway otherwise subject to a prima facie limit of 25 miles per hour under this code, the department may determine and declare a prima facie speed limit of 30, 35, 40, 45 or 50 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highway. The provisions of this subdivision shall not apply in respect to any 25-mile per hour prima facie limit which is applicable when passing a school building or the grounds thereof, as provided in Section 511(b)(2).

(b) Authority to Decrease 55-mile Limit. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the prima facie limit of 55 miles per hour is more than reasonable or safe upon any portion of a state highway where such prima facie limit of 55 miles is applicable under this code, the department may determine and declare a prima facie speed limit of 50, 45, 40, 35 or 30 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable

and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highway.

Variable speed limit

(c) Authority to Establish Variable Speed Limit. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, said department may erect, regulate, and control signs upon such state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs need not conform with the provisions of Section 468.1 hereof, but shall be of sufficient size and clarity to give adequate notice of the applicable prima facie speed limit. The prima facie speed limit upon such freeway at a particular time and place shall be that which is then and there displayed upon such sign.

Departmental authority

(d) The authority of the Department of Public Works as set forth in this section shall apply upon all state highways, whether within or outside of the limits of any incorporated city or city and county.

SEC 3. Section 511.3 of said code is amended to read:

Powers of local authorities

511.3. When Local Authorities May Alter Prima Facie Limits. (a) Authority to Increase 25-mile Limit. Whenever a local authority, as defined herein, determines upon the basis of an engineering and traffic investigation that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street otherwise subject to a prima facie limit of 25 miles per hour under this code, such local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45 or 50 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said street. The provisions of this subdivision shall not apply in respect to any 25-mile per hour prima facie limit which is applicable when passing a school building or the grounds thereof, as provided in Section 511(b)(2).

(b) Authority to Decrease 55-mile Limit. Whenever a local authority, as defined herein, determines upon the basis of an engineering and traffic survey that the prima facie limit of 55 miles per hour is more than is reasonable or safe upon any portion of any street or highway where such prima facie limit of 55 miles per hour is applicable under this code, such local authority may by ordinance determine and declare a prima facie speed limit of 50, 45, 40, 35, 30 or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when ap-

propriate signs giving notice thereof are erected upon such street.

(c) No local authority shall exercise the powers set forth in this section in reference to any state highway or extension thereof.

(d) With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under this section shall be effective as to any such portion unless and until all authorities having jurisdiction of the portions of the street or highway concerned have approved the same. The provisions of this subdivision shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

CHAPTER 2307

An act to amend Sections 23320, 23959, 24045, 24047, 24071, and 24072 of the Business and Professions Code, relating to alcoholic beverages, to take effect immediately, tax levy.

In effect immediately

[Approved by Governor July 10, 1957 Filed with Secretary of State July 16, 1957]

The people of the State of California do enact as follows:

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

Licenses and fees

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

(1) Beer manufacturer's license	$828.00 per year
(2) Wine grower's license (to be computed only on the gallonage produced), 5,000 gallons or less	22.00 per year
Over 5,000 gallons to 20,000 gallons per year	44.00 per year
Over 20,000 to 100,000 gallons per year	82.50 per year
Over 100,000 to 200,000 gallons per year	110.00 per year
Over 200,000 gallons to 1,000,000 gallons a year	165.00 per year
For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	110.00 per year
(3) Brandy manufacturer's license	168.00 per year
(4) Distilled spirits manufacturer's license	276.00 per year
(5) Distilled spirits manufacturer's agent's license	276.00 per year
(6) Still license	12.00 per year
(7) Rectifier's license	276.00 per year

(8)	Wine rectifier's license	$276.00 per year
(9)	Beer and wine importer's license	No fee
(10)	Brandy importer's license	No fee
(11)	Distilled spirits importer's license	No fee
(12)	Public warehouse license	12.00 per year
(13)	Customs broker's license	12.00 per year
(14)	Wine broker's license	56.00 per year
(15)	Beer and wine wholesaler's license	56.00 per year
(16)	Distilled spirits wholesaler's license	276.00 per year
(17)	Industrial alcohol dealer's license	56.00 per year
(18)	Retail package off-sale beer and wine license	12.00 per year
(19)	Retail package off-sale general license for under $20,000 gross retail sales of distilled spirits per year	200.00 per year
	In addition, for $20,000 or more gross retail sales of distilled spirits per year	200.00 per year
(20)	On-sale beer license	84.00 per year
(21)	On-sale beer and wine license	84.00 per year
(22)	On-sale beer and wine license for trains (per train)	16.00 per year
(23)	On-sale beer and wine license for boats (per boat)	56.00 per year
(24)	On-sale beer and wine license for airplanes (per scheduled flight)	16.00 per year
(25)	On-sale general license:	
	In cities of 40,000 population or over	580.00 per year
	In cities of less than 40,000 but more than 20,000 population	412.00 per year
	In all other localities	360.00 per year
(26)	On-sale general license for seasonal business:	
	In cities of 40,000 population or over	145.00 per quarter year
	In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
	In all other localities	90.00 per quarter year
(27)	(a) On-sale general license for bona fide clubs,	
	(b) Club license (issued under Article 4 of this chapter), or	
	(c) Veterans' club license (issued under Article 5 of this chapter):	
	In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year

(28) On-sale general license for trains and sleeping cars	$128.00 per year
Duplicate on-sale general license for trains and sleeping car companies	32.00 per year
(29) On-sale general license for boats	332.00 per year
(30) On-sale general license for airplanes	128.00 per year
Duplicate on-sale general license for air common carriers	10.00 per year

The increase in fees made by Chapter 22 of the 1954 First Extraordinary Session and by the act amending this section shall not be affected by the limitation placed by Section 26004 upon the existence of the Alcoholic Rehabilitation Commission.

SEC. 2. Section 23959 of said code is amended to read:

Fees License not granted

23959. If an application is denied or withdrawn, one-fourth of the license fee paid, or not more than twenty-five dollars ($25), shall be deposited in the General Fund. The balance of this amount shall be credited on any taxes then due from the applicant under Part 14 of Division 2 of the Revenue and Taxation Code or the Sales and Use Tax Law, and the remaining portion shall be returned to the applicant.

SEC. 3. Section 24045 of said code is amended to read:

Issue of licenses. Basis

24045. All retailer's on-sale licenses, except on-sale general licenses for seasonal businesses, shall be issued on a calendar year basis, except that the department may issue and renew on-sale beer licenses and on-sale beer and wine licenses on a quarterly basis for the remainder of the calendar year where the privilege of such licenses is exercised only a portion of each year; provided, however, that the department may issue special licenses for the sale of beer or wine on a temporary basis for premises temporarily occupied by the licensee for a picnic, social gathering, or similar occasion at a fee of five dollars and fifty cents ($5.50) per day. All other licenses shall be issued on the basis of a fiscal year, commencing July 1st and ending June 30th.

SEC. 4. Section 24047 of said code is amended to read:

Duplicate license

24047. Whenever a license certificate is in effect and is lost or destroyed, the department shall issue a duplicate license upon the payment of a fee of five dollars and fifty cents ($5.50).

SEC. 5. Section 24071 of said code is amended to read:

Transfer of licenses

24071. The license or licenses of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license or licenses of a decedent, minor ward, incompetent person, bankrupt person, person for whose estate a receiver is appointed, or assignor for the benefit of creditors may be transferred by or to the surviving partner or partners of a deceased licensee, the executor, administrator, or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no

estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or licenses may be transferred between partners where no new partner is being licensed, or licenses may be transferred between corporations whose outstanding shares of stock are owned by the same natural persons, and the fee for transfer of each license is twenty-seven dollars and fifty cents ($27.50). In no case shall a fee be charged for the transfer of an importer's license. If the annual fee for a license is less than twenty-seven dollars and fifty cents ($27.50), the fee to be charged for the transfer thereof in any case shall be in the amount of the fee payable upon an original application as provided under Sections 23320 and 23322 of this division.

SEC. 6. Section 24072 of said code is amended to read:

24072. Each license is transferable from the premises for which issued upon the approval of the department, the payment of a transfer 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

SEC. 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, but the change in fees made by Section 1 shall be applicable on and after July 1, 1957, as to all licenses issued on a fiscal year basis, and shall be applicable on and after January 1, 1958, as to all licenses issued on a calendar year basis as provided for under Section 24045 of this division. Tax levy

CHAPTER 2308

An act to amend Sections 2165d, 3017.3, and 3417.3 of the Welfare and Institutions Code, relating to property of public assistance recipients.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2165d of the Welfare and Institutions Code is amended to read:

2165d. Any proceeds, including trust deeds, promissory notes or mortgages, from the conversion of real property into personal property received by an applicant or recipient of aid under this chapter shall be considered real property having the same assessed value as the real property converted for a period of one year from the time of their receipt, if such proceeds are retained for the purpose of providing a home; provided, however, if the applicant or recipient receives as part or all of the consideration for such conversion trust deeds, promissory notes or mortgages, such trust deeds, promissory Proceeds from conversion of real property to personal property

notes or mortgages shall be considered real property having the same assessed value as the real property converted for whatever period of time they are retained by the applicant or recipient, if within one year from the conversion he purchases property for use as a home, and all payments thereafter received by him on the trust deeds, promissory notes or mortgages are utilized as payments on the balance due on such home

SEC. 2 Section 3047.3 of said code is amended to read:

Same

3047.3. Any proceeds, including trust deeds, promissory notes or mortgages, from the conversion of real property into personal property received by an applicant or recipient of aid under this chapter shall be considered real property having the same assessed value as the real property converted for a period of one year from the time of their receipt, if such proceeds are retained for the purpose of providing a home; provided, however, if the applicant or recipient receives as part or all of the consideration for such conversion trust deeds, promissory notes or mortgages, such trust deeds, promissory notes or mortgages shall be considered real property having the same assessed value as the real property converted for whatever period of time they are retained by the applicant or recipient, if within one year from the conversion he purchases property for use as a home, and all payments thereafter received by him on the trust deeds, promissory notes or mortgages are utilized as payments on the balance due on such home.

SEC. 3. Section 3447.3 of said code is amended to read:

Same

3447.3. Any proceeds, including trust deeds, promissory notes or mortgages, from the conversion of real property into personal property received by an applicant or recipient of aid under this chapter shall be considered real property having the same assessed value as the real property converted for a period of one year from the time of their receipt if such proceeds are retained for the purpose of providing a home; provided, however, if the applicant or recipient receives as part or all of the consideration for such conversion trust deeds, promissory notes or mortgages, such trust deeds, promissory notes or mortgages shall be considered real property having the same assessed value as the real property converted for whatever period of time they are retained by the applicant or recipient, if within one year from the conversion he purchases property for use as a home, and all payments thereafter received by him on the trust deeds, promissory notes or mortgages are utilized as payments on the balance due on such home.

CHAPTER 2309

An act to provide for the compilation, publication and distribution of state laws relating to publishing and publications, and making an appropriation therefor.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The Legislative Counsel shall compile and index all laws of this State governing and relating to the publishing business and to publications generally, including but not limited to laws relating to: establishment of publications as newspapers of general circulation, publication of legal and official notices, libel and privilege and publication of indecent and obscene matter. Upon completion the indexed compilation shall be published and distributed by the Secretary of State at cost to persons interested in the publishing business.

SEC. 2. The sum of twelve thousand seven hundred dollars ($12,700) is appropriated from the General Fund in augmentation of Item 35, Budget Act of 1957.

CHAPTER 2310

An act to add Sections 264 and 264.1 to the Agricultural Code, relating to diseased animals, and making an appropriation.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 264 of the Agricultural Code is added, to read:

264. Where necessary to prevent the spread within this State of bovine brucellosis, the director may provide for the slaughter of animals. When an animal in a brucellosis control area is slaughtered under the provisions of this article, or under regulations of the director made pursuant to this article, the owner shall receive: Bovine brucellosis Slaughter

(a) The proceeds of the sale of the salvage of the animal.

(b) From the State, one-third of the difference between the appraised value and the proceeds of the sale of the salvage, but in no instance to exceed fifty dollars ($50) for any grade animal or seventy-five dollars ($75) for any purebred animal. The value of the animal shall be determined by appraisement by a representative of the department or a representative of the Bureau of Animal Industry of the United States Department of Agriculture, and by the owner or his agent. In case of fail-

ure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final. Within 30 days after the appraisal of the animal, it shall be slaughtered under the supervision of the director.

(c) From the United States, any sum authorized to be paid to him from any appropriation made by the United States to assist in the eradication of brucellosis.

SEC. 2. Section 264.1 is added to said code, to read:

Indemnity

264.1. No indemnity shall be paid any person in any of the following cases:

(a) For any steer or grade bull determined to be a reactor.

(b) For any bovine animal brought into a brucellosis control area, which reacts to a brucellosis test applied within 90 days after arrival of said animal in such area as provided for in this article, or which was brought into a brucellosis control area, contrary to any provisions of law or rules and regulations of the State or Federal Department of Agriculture.

(c) For any reacting bovine animal, until the premises, where said animal had been kept, have been cleaned and disinfected by the owner in a manner approved by an agent of the State or Federal Department of Agriculture.

(d) For any reacting bovine animal which has not been slaughtered within 30 days after such animal has been appraised.

(e) For any animal owned by the United States, State of California, or any county, city, town or township, in the State.

(f) For any bovine animal which was vaccinated for brucellosis after reaching 12 months of age.

(g) When such person has violated any provision of this article relating to brucellosis control area, or any regulation made by the department relating thereto.

No subsequent payment of indemnity shall be made to any person in any of the following cases:

(a) Unless the provisions of this article have been fully complied with for each and every bovine animal added to his herd.

(b) Unless and until the premises are maintained in a sanitary condition, satisfactory to the State or Federal Department of Agriculture.

Appropriation

SEC. 3. The sum of three hundred twenty thousand dollars ($320,000) is hereby appropriated from the General Fund to the Director of Agriculture to carry out the purposes of this act.

CHAPTER 2311

An act to amend Section 1147 of the Probate Code and Section 5183 of the Welfare and Institutions Code, relating to countersignatures by superior court judges for the withdrawal of funds in the custody of the public administrator and public guardian.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1147 of the Probate Code is amended to read:

1147. The public administrator, as soon as he receives the same, must deposit all moneys of the estate with the county treasurer of the county in which the proceedings are pending; or, if not required for current expenses, he may deposit any amount thereof with one or more banks authorized to do business in his county, and if there is none then with any bank in the State. The court may direct the deposit of any such money with a bank. Money deposited with the county treasurer or with a bank may be withdrawn upon the order of the public administrator, countersigned by the judge, when required for the purposes of administration. In counties having a population of over 2,000,000, such withdrawals need not be countersigned by the judge. The moneys thus deposited may be invested, pending the administration of the estate, in securities of the United States or of this State, upon the same proceedings had as in other cases of administration.

Deposits and withdrawals Estates

SEC. 2. Section 5183 of the Welfare and Institutions Code is amended to read:

5183. All funds coming into the custody of the public guardian shall be deposited either in the county treasury and disbursed by proper warrant, or shall be deposited in one or more banks authorized to do business within the county and withdrawn only upon an order of the public guardian, countersigned by a judge of the superior court. In counties having a population of over 2,000,000, such withdrawals need not be countersigned by a judge of the superior court.

Funds in custody of public guardian

CHAPTER 2312

An act making an appropriation to the State Department of Social Welfare to provide for aid to needy disabled persons.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. In augmentation of Item 251 of the Budget Act of 1957 there is hereby appropriated to the State Depart-

ment of Social Welfare out of the General Fund in the State Treasury the sum of eighty thousand dollars ($80,000), for the purpose of carrying out the provisions of Chapter 1 of Part 2 of Division 5 of the Welfare and Institutions Code.

This appropriation is made in accordance with the following schedule.

Schedule:

(a) Salaries and wages	$101,650
(b) Operating expenses and equipment	49,350
Total of schedule	$151,000
Less amounts available from other sources:	
Estimated grants from the Federal Government	71,000
Net appropriation	$80,000

CHAPTER 2313

An act to add Article 3.5 (comprising Sections 4361 to 4365, inclusive) to Chapter 2 of Division 4 of the Public Resources Code, relating to the promotion of maximum sustained productivity of the forest lands of California, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 3.5 (comprising Sections 4361 to 4365, inclusive) is added to Chapter 2 of Division 4 of the Public Resources Code, to read:

Article 3.5. Reforestation Studies

Declaration of need

4361. It is hereby declared to be in the interest of the welfare of the people of the State of California that the need for wood, lumber, poles, piling, wood pulp and other forest products, augmented by the growth of population, requires all forest lands to be kept in a fully productive condition. It is further declared that there are within the State more than two million acres of burned and cutover lands not now contributing adequately to the growth of forest crops nor to the economy of the State. It is further declared to be in the interest of the people of California that the State determine feasible means and methods for reforesting nonproducing forest lands to the end that all forest lands will be eventually brought up to their maximum growth capacity.

Surveys, etc

4362. The State Forester may make surveys and prepare maps setting forth the areas of nonrestocking forest lands.

Experiments, etc

4363. On lands owned by the State of California, or on lands made available by private owners through cooperative

agreements, the State Forester may undertake experiments and studies pertinent to determing costs and feasible methods of reforestation by planting, seeding, release of natural seedlings from competing brush, or other procedure deemed promising of the desired results, and involving also brush removal and control, soil preparation and control of rodents or other destructive organisms.

4364. Experimentation and studies shall be conducted with the advice and cooperation of the University of California School of Forestry. The State Forester may set up an advisory committee on reforestation methods and procedures.

State Forester

4365. The State Forester may collect the additional seed required, increase the capacity of state nurseries, purchase the necessary equipment and employ the necessary personnel to effectuate the purposes of this article.

Appropriation

SEC 2. There is hereby appropriated to the State Division of Forestry, from the General Fund in the State Treasury, the sum of nine thousand five hundred dollars ($9,500) for the fiscal year ending June 30, 1958, for the activation and effectuation of this article.

CHAPTER 2314

An act to amend Section 10540 of the Insurance Code and to add Section 12252.5 to the Revenue and Taxation Code, relating to payment of premiums to life insurers.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10540 of the Insurance Code is amended to read:

Advance premiums, etc

10540. An incorporated life insurer issuing life insurance policies on the reserve basis may collect premiums in advance. Such insurers may also accept moneys for the payment of future premiums related to any policies issued by it. No such insurer may accept such moneys in an amount to exceed (1) the sum of future unpaid premiums on any such policy or (2) the sum of 10 such future unpaid annual premiums on any such policy if such sum is less than the sum of future unpaid premiums on any such policy. This section shall not limit the right of such insurers to accept funds under an agreement which provides for an accumulation of such funds for the purpose of purchasing annuities at future dates.

SEC. 2. Section 12252.5 is added to the Revenue and Taxation Code, to read:

"Gross premiums"

12252.5. Funds accepted by a life insurer under an agreement which provides for an accumulation of funds to purchase annuities at future dates may be considered as "gross premiums received" either upon receipt or upon the actual application of such funds to the purchase of annuities. However,

any interest credited to funds accumulated while under the latter alternative shall also be included in "gross premiums received," and any funds taxed upon receipt, including any interest later credited thereto, shall not be subject to taxation upon the purchase of annuities. Each life insurer shall signify on its premium tax return covering premiums for the calendar year 1957 its election between such two alternatives. Thereafter an insurer shall not change such election without the consent of the Insurance Commissioner. Any such funds taxed as "gross premiums" shall, in the event of withdrawal of the funds before their actual application to the purchase of annuities, be eligible to be included as "return premiums" if eligible therefor under the provisions of Section 14⅓ of Article XIII of the Constitution.

CHAPTER 2315

An act making an appropriation for the study, acquisition, development, and interpretation of a zone of preservation in the west end of Sacramento, including a museum.

I object to the item of the appropriation in Section 1 of Senate Bill No 1312, and I reduce the amount of said appropriation to $15,000 With this reduction I approve the bill

GOODWIN J KNIGHT
Governor

In effect September 11, 1957

[Approved by Governor July 15, 1957 Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the State Park Fund to the Division of Beaches and Parks, Department of Natural Resources, for expenditure for the study of the development of a zone of preservation and the preliminary acquisition of historic artifacts in the west end of Sacramento, including a museum, as a part of the State Park System.

CHAPTER 2316

An act to add Sections 30609 and 30660 to the Streets and Highways Code, relating to crossings of San Francisco Bay, declaring the urgency thereof, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor July 15, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1 Section 30609 is added to the Streets and Highways Code, to read:

Revisions and improvements

30609. Subject to the limitations hereinafter prescribed and under the provisions of Chapter 1 of this division, the department may make such 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 by the department to permit the use of the entire San Francisco-Oakland Bay Bridge for traffic. Such revisions may include work necessary for the routing of traffic in one direction on each deck of the bridge.

Excess revenue fund

The department may use for such purposes any funds now on hand from the revenues of the San Francisco-Oakland Bay Bridge, and the future revenues of the bridge accruing up to July 1, 1961, or so much thereof as may be necessary, over and above those required to repay the State Highway Fund as required by Sections 30605 and 30607, and to provide the costs of maintenance, operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge.

Southern Crossing bonds

In the event bonds are to be issued for the construction of the Southern Crossing to be secured by the revenues of the San Francisco-Oakland Bay Bridge, the authority may provide for the completion of the work on the San Francisco-Oakland Bay Bridge from the proceeds of bonds to be included in such an issue or it may reserve from the revenues which would secure such a bond issue sufficient revenues to complete the work. To the greatest extent found feasible by the department in planning and conducting the work to be carried out, but without delaying the ultimate completion thereof, the department shall so plan and conduct the work as to permit the rails on the San Francisco-Oakland Bay Bridge to remain in place as long as possible so as to minimize the interruption of transbay rail transportation.

Bay Bridge rails

SEC. 2. Section 30660 is added to said code, to read:

Financing of Southern Crossing Failure

30660. If financing for the construction of the Southern Crossing has not been completed prior to July 1, 1958, all of the sections of this article (commencing at Section 30651), except this section, shall be of no further force or effect, and the Department of Public Works and the California Toll Bridge Authority may exercise all powers and duties under the California Toll Bridge Authority Act (commencing at Section 30000) as if this article had never been enacted. Such financing of the Southern Crossing shall be undertaken only upon a finding by the authority on the basis of the estimates of cost and anticipated revenue available to it that the rates of toll on the San Francisco-Oakland Bay Bridge in effect on January 1, 1957, should be sufficient to meet all obligations to be assumed in connection with the financing of the Southern Crossing. However, if bonds are issued, the California Toll Bridge Authority shall provide for the inclusion in its bond proceedings of the obligation of the authority to from time to time fix the rates of tolls and charges in accordance with the provisions of Section 30102, it being the intention of the

Conditions

Legislature that when bonds are issued the authority shall be under the obligation to so fix and collect such rates of toll as are necessary to comply with such obligation.

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:

Authority to discontinue transbay rail service on the presently existing rail lines and the substitution of motor coach service therefor has, subject to certain conditions, been granted by the State Public Utilities Commission. Traffic is already congested on the San Francisco-Oakland Bay Bridge and the cessation of train service would result not only in increased congestion, but in leaving one-half of the lower deck of the bridge unused. The necessary construction work to permit complete use of the entire surface of the bridge should be undertaken immediately so that the congestion following the cessation of rail service can be limited to as short a time as possible It is, therefore, necessary that this act shall take immediate effect.

CHAPTER 2317

An act to amend Section 11730, to repeal Section 11730r and to add Sections 11732.2, 11732.3, 11732.4, and 11732.5 to the Insurance Code, relating to rate supervision of workmen's compensation insurance.

In effect September 11, 1957

[Approved by Governor July 15, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

Legislative intent

SECTION 1. To effectuate the social public policy of this State to create and enforce a complete system of workmen's compensation as declared in Section 21 of Article XX of the Constitution of California, and to maintain the integrity of such system, the Legislature always has subjected workmen's compensation insurance to detailed regulation different from that provided for any other class of insurance. In so doing it has protected the solvency of insurers, benefited injured workers and their dependents, and enabled employers to obtain workmen's compensation protection at the lowest cost consistent with solvency of insurers. With a view to the preservation of California's unique and successful system of workmen's compensation insurance, it is necessary to declare the legislative intent to prohibit inclusion in the classification of risks and premium rates or in merit rating of: (1) any extra charge against small employers of this State, (2) any interference with freedom of contract between insurers and licensed insurance agents and brokers with respect to commissions, and (3) any combination of California workmen's compen-

sation insurance premiums or experience of a particular insured with his premiums or experience in any other class of insurance or in any other jurisdiction.

SEC. 2. Section 11730 of the Insurance Code is amended to read:

Definitions

11730. The term "merit rating," as used in this article, means "schedule rating," in which the rate is varied according to physical conditions, and also means "experience rating," in which the California workmen's compensation insurance experience of the particular insured is used as a factor in raising or lowering his rate.

Unless a different meaning is manifest, the term "workmen's compensation insurance," as used in this article, also means employer's liability insurance incidental to and written in connection with workmen's compensation insurance.

Repeal

SEC. 3. Section 11730x of the Insurance Code is repealed

SEC. 4. Section 11732.2 is added to the Insurance Code, to read:

Determination or modification of premiums

11732 2. No classification of risks and premium rates or system of merit rating shall permit a determination or modification of the premium or premium rate of a particular insured by reason of a combination of his California workmen's compensation insurance premium or experience with his premium or experience arising out of any other class of insurance, whether or not such other class of insurance is written under the laws of this State.

SEC. 5. Section 11732.3 is added to the Insurance Code, to read:

Same

11732.3. No classification of risks and premium rates or system of merit rating shall permit a determination or modification of the premium or premium rate of a particular insured by reason of the combination of his California workmen's compensation insurance premium or experience with his premiums or experience arising out of workmen's compensation insurance written under the laws of any other jurisdiction

SEC. 6. Section 11732.4 is added to the Insurance Code, to read:

Discounts

11732.4. No classification of risks and premium rates or system of merit rating shall permit a discount of basic premium rates or premium resulting from the application of such rates unless the discount results from the application of experience rating or schedule rating, but in no event shall a discount be permitted by reason of any reduction in the expense provision included in the classification of risks and premium rates approved or issued by the commissioner.

SEC. 7. Section 11732 5 is added to the Insurance Code, to read:

Expense provision

11732 5 The expense provision included in the classification of risks and premium rates approved or issued by the commissioner shall be uniform as to all insurers and insureds affected thereby.

CHAPTER 2318

An act to add Chapter 3 to Division 7 of the Public Resources Code, relating to recreation, and making an appropriation therefor.

I object to the item of the appropriation in Section 2 of Assembly Bill No 32, and I reduce the amount of said appropriation to $50,000. With this reduction I approve the bill.

GOODWIN J KNIGHT
Governor

In effect September 11, 1957

[Approved by Governor July 15, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 is added to Division 7 of the Public Resources Code, to read:

CHAPTER 3. CALIFORNIA PUBLIC OUTDOOR RECREATION PLAN ACT

Short title

8750. This chapter shall be known as the "California Public Outdoor Recreation Plan Act."

Policy

8751. It is the policy of the State of California: To protect, conserve and develop the natural resources and wildlife of the State; to preserve the rights of the people to the coast and coastal waters for recreation purposes; to assure unhampered access by the public to all navigable waters, parks, playgrounds and squares; to maintain areas of peace, quiet and respectability so that they may be enjoyed by all the people; to acquire, develop and maintain parks, beaches and campgrounds, in order to preserve areas of natural beauty and make them available for the enjoyment of the people; to propagate and protect fish and game; to maintain and improve wildlife habitat for the recreation of hunters and fishermen; and to expend funds for the acquisition and improvement of land and water areas for purposes of recreation.

At the present time there are not adequate outdoor recreation facilities in California to meet the demand of its growing population. The purpose of this act is to create a public outdoor recreation committee and to provide for the preparation of a public outdoor recreation plan.

Committee

8752. There is in the State Government a Committee for the Development of the California Public Outdoor Recreation Plan consisting of the following members: Director of Natural Resources, Director of Fish and Game, Director of Water Resources, Director of Recreation, Director of Finance, Director of Education, Chief of the Division of Beaches and Parks, and the Executive Officer of the State Lands Commission. The Governor shall appoint the chairman of the committee.

Plan

8753. The committee shall consider, develop and recommend to the Legislature a California Public Outdoor Recreation Plan. The plan shall be based on a survey of present and

future needs of the people in this State for outdoor recreation opportunities and facilities.

Powers, rules

8754. The committee may enter into contracts with such persons and agencies, public or private, and do any act necessary to carry out the purposes of this chapter. It shall adopt rules to govern its internal affairs.

Technical consultant group

8755. The committee may appoint a technical consultant group consisting of representatives of local, state and federal agencies having interests, resources or responsibilities for public outdoor recreation.

The chairman of the committee may appoint a member of the committee to serve as chairman of the Technical Consultant Group.

The Technical Consultant Group shall assist the committee in developing the California Public Outdoor Recreation Plan and may do any act necessary to accomplish this purpose. It shall meet as a committee at least twice during each fiscal year beginning with the fiscal year of July 1, 1957.

State officers and employees may be reimbursed for expenses expended in connection with meetings of the technical consultant group.

Advisory council

8756. The committee is authorized to appoint an advisory council to the committee which shall consist of representatives from state boards and commissions having interests, resources or responsibilities for public outdoor recreation and is further authorized to appoint additional members to the council from private and voluntary state-wide or regional organizations having interests, resources or services related to outdoor recreation.

Expenses of such members incurred in connection with meetings of the council shall not be charges against the State.

The committee may designate a member of the council as chairman of the advisory council.

Executive officer, staff

8757. The committee shall select an executive officer and staff, which shall devote its full time to coordinating the activities of the agencies created by this act and to the completion of the California Public Outdoor Recreation Plan within the period designated by this chapter

Scope of plan

8758. The California Public Outdoor Recreation Plan shall be limited to the following matters:

(a) An intensive review of all factors affecting public outdoor recreation in the foreseeable future.

(b) An inventory of the existing facilities, areas, and opportunities available for outdoor recreation and an inventory and classification of areas, facilities and resources which potentially may provide outdoor recreation.

(c) A determination of the nature and an estimate of the need of the people for outdoor recreation opportunities in the foreseeable future in relation to the matters considered in subdivision (b).

(d) An investigation and analysis of the authority of different segments and levels of government with respect to public outdoor recreational resources and facilities.

(e) The nature, location and size of recreational land and recreational water areas and facilities to be developed, including a preliminary program and procedure for the development, administration, and financing of these areas and facilities.

Submission

8759. The committee shall submit the final plan to the Governor and the Legislature on or before March 1, 1960. Preliminary reports on the California Public Outdoor Recreation Plan shall be submitted by the committee to the Governor and the Legislature on or before March 1, 1958, and on or before March 1, 1959.

Appropriation

SEC. 2. There is hereby appropriated the sum of one hundred thousand dollars ($100,000) from the General Fund to the Committee on the California Public Outdoor Recreation Plan, for the Fiscal Year 1957-58, to be expended by the committee for salaries and wages, operating costs, equipment, and for contractual services as may be required for the development of the California Public Outdoor Recreation Plan and for the operation of the committee.

CHAPTER 2319

An act to add Sections 1518.5 and 1518.6 to the Military and Veterans Code, relating to fires and fire protection and, more particularly, to procurement of fire, rescue, and communications equipment, apparatus, and facilities for use by the California Disaster Office, and making an appropriation.

I object to the item of the appropriation in Section 3 of Assembly Bill No. 2590, and I reduce the amount of said appropriation to $40,550. With this reduction I approve the bill.

GOODWIN J. KNIGHT
Governor

In effect September 11, 1957

[Approved by Governor July 15, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1518.5 is added to the Military and Veterans Code, to read:

Authorization to purchase surplus equipment, etc

1518.5. The Director of the Disaster Office may purchase from the Federal Government or any of its agencies such surplus fire and rescue equipment, apparatus, and storage facilities therefor as may be necessary to accomplish the purposes of this article.

SEC. 2. Section 1518.6 is added to said code, to read:

Radio facilities

1518.6. The Director of the Disaster Office may purchase, upon such terms and conditions as he shall determine to be in the public interest, any radio communications facilities, including mobile radio equipment, which he may determine to be necessary to discharge the duties imposed upon the California Disaster Office.

SEC. 3. The sum of eighty-six thousand five hundred twenty-five dollars ($86,525) is hereby appropriated out of the General Fund in the State Treasury to be expended by the Director of the Disaster Office during the Fiscal Years 1957-1958 and 1958-1959 for procurement of surplus fire and rescue equipment, apparatus, storage facilities, and for the procurement of radio communications equipment, as authorized by Sections 1518.5 and 1518.6 of the Military and Veterans Code. The sum expended for radio communications equipment shall not exceed thirty-six thousand five hundred twenty-five dollars ($36,525). Appropriation

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CHAPTER 2320

An act to add Chapter 6.6 (commencing with Section 2900) to Division 2 of the Business and Professions Code, relating to the creation of the Committee of Psychological Examiners and to prescribe its organization, powers and duties, and making an appropriation.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.6 is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 6.6. PSYCHOLOGISTS

Article 1. General Provisions

2900. This chapter constitutes the chapter on psychology of the Business and Professions Code. It may be known and cited as the "Psychology Certification Act." Short title

2901. "Board," as used in this chapter, means the Board of Medical Examiners of the State of California. Definitions

2901.5. "Committee," as used in this chapter, means the Psychology Examining Committee.

2902. "Person," as used in this chapter, includes an individual, firm, partnership, association, corporation or cooperative association.

2902.5. The term "person" means a natural person when a right, privilege, or power is conferred by this chapter upon a person.

2903. A person represents himself to be a "psychologist" within the meaning of this chapter when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" and under such title or description offers to render or renders psychological services for remuneration.

The term "psychological services," as used in this chapter, refers to any services if the words "psychological," "psychol-

ogist" or "psychology" are used to describe the services by the person rendering or offering to render them.

2903.5. The practice of psychology is defined as the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment, by persons trained in psychology. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups with adjustment problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; and doing research on problems relating to human behavior.

Nothing contained in this section shall in any way restrict any person from carrying on any of the aforesaid activities; provided, that such person does not represent himself as a psychologist as specified in Section 2903 unless he is certified under this chapter.

Confidential relations, etc

2904. For the purpose of this chapter the confidential relations and communications between psychologist and client shall be placed upon the same basis as those provided by law between attorney and client, and nothing contained in this chapter shall be construed to require any privileged communication to be disclosed.

Article 2. Administration

Psychology Examining Committee

2910. There is hereby created within the jurisdiction of the board a Psychology Examining Committee which shall consist of seven members appointed by the Governor.

Terms of office, vacancies

2911. After the first appointees, each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs

The terms of the first members of the committee shall expire as follows: one member, June 30, 1958; two members, June 30, 1959; two members, June 30, 1960, and two members on June 30, 1961.

Vacancies occurring shall be filled by appointment for the unexpired term.

No member of the committee shall serve more than three consecutive terms.

Appointment Representation

2912. In appointing the members of the committee, the Governor shall use his judgment to select psychologists who represent, as widely as possible, the varied professional interests of psychologists in California.

Qualifications

2913. The Governor shall appoint the members of the committee from any persons qualified under the provisions of this chapter.

2914. Each member of the committee shall have the following qualifications:

(a) He shall be a resident of this State.

(b) After the first seven appointments, each member appointed shall be a certified psychologist under this chapter.

Removal

2915. The Governor has power to remove from office any member of the committee for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.

Officers

2916. The committee shall elect annually a chairman and vice chairman from among its members.

Meetings

2917. The committee shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the committee.

Administration and enforcement

2918. The committee shall administer and enforce the provisions of this chapter except as to those acts and functions specifically vested in the board by this chapter and said acts and functions of the board shall in no way be enlarged by the provisions of the other chapters of this division.

Seal

2919. The committee shall adopt a seal, which shall be affixed to all certificates issued by the board.

Rules

2920. The committee may from time to time adopt such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. In adopting rules and regulations the committee shall comply with the provisions of Chapter 4 (commencing with Section 11370) of Part 1, of Division 3 of Title 2 of the Government Code.

Committee function

2921. The committee shall examine and pass upon the qualifications of the applicants for certification and registration as provided by this chapter.

Board function

2922. The board shall issue certificates to successful applicants attesting to their professional competence in accordance with the recommendation and at the direction of the committee.

Quorum

2923. Four members of the committee shall at all times constitute a quorum.

Personnel, expenditures

2924. The board shall employ and shall make available to the committee within the limits of the funds received by the board all personnel necessary to carry out the provisions of this chapter. The board is authorized to make and shall make all expenditures to carry out the provisions of this chapter. The board may accept contributions to effectuate the purposes of this chapter.

Reports

2925. Each year the board and committee shall transmit to the Governor full reports of all their respective activities under this chapter, together with a report of all the receipts and disbursements under this chapter.

Compensation

2926. The committee may fix a per diem compensation which the board shall pay, not to exceed twenty-five dollars ($25), to be paid to each member of the committee for each day actually spent in the performance of his duties.

Each member of the committee shall be entitled to his actual and necessary travel expenses.

Article 3. Scope of the Regulation

Requirement of certification

2930. No person shall represent himself as a psychologist within the meaning of this chapter unless he is certified and registered under the provisions of this chapter, except that any psychological scientist employed by a recognized college or university may represent himself by the academic or research title conferred upon him by the administration of the college or university.

Lecturers from recognized colleges or universities may utilize their academic or research title when invited to present lectures to institutions or organizations.

Any person holding a position as a psychologist under the federal, state, county, district, or municipal civil service and any person holding a valid school psychologist credential issued by the State Board of Education shall not be subject to the provisions of this chapter.

Nothing contained in this section shall be construed as permitting such persons to offer their services as psychologists to any other person as a consultant and to accept remuneration for such psychological services other than that of their institutional salaries unless they have been certified and registered under the provisions of this chapter.

Students

2932. Students of psychology, psychological interns and other persons preparing for the profession of psychology under qualified supervision in training institutions or facilities recognized by the committee may be designated by the title "psychological trainee" or any other title which clearly indicates his training status.

Persons not certified

2933. No person, other than a person certified and registered under this chapter or supervised by a person so certified and registered, shall render or offer to render psychological services as defined in Section 2903.

Exemption by prompt registration

2933.5. Notwithstanding any other provision of this chapter, no person, who at the effective date of this chapter renders or offers to render in this State psychological services as defined in Section 2903 and who registers with the committee prior to January 1, 1958, shall be subject to the provisions of this chapter, except that no such person shall employ or use the title "certified psychologist" or imply in any way that he is certified by the committee created in this chapter, unless he is actually certified and registered under this chapter. The provisions of this section shall be operative until October 1, 1965.

Tests, etc

2934. Nothing contained in this chapter shall in any way restrict the use of psychological tests or techniques which are the common property of the profession of psychology and other related professions provided that the user does not rep-

resent himself as a psychologist unless certified under this chapter.

Use of "certified psychologist"

2935. No person may employ or use the title "certified psychologist" or imply in any way that he is certified by the board, unless he is actually certified and registered under this chapter.

Construction

2936. Nothing in this chapter shall be construed as permitting the practice of optometry as defined in Section 3041 of this code, the administration or prescription of drugs, any infringement upon the practice of medicine as defined in the laws of this State or the use of therapeutic measures in the diagnosis or treatment of mentally ill except in collaboration with a physician and surgeon as specified in Section 2013 of this code.

Authorization to practice

2937. Those persons holding a certificate issued by the board are authorized to practice psychology as defined in Section 2903.5.

Article 4. Certificate

Application

2940. Each person desiring to obtain a certificate from the board shall make application to the committee. The application shall be made upon a form and shall be made in such a manner as the committee prescribes.

The application shall be accompanied by the application fee required by this chapter. This fee shall not be refunded by the board.

Requirements

2941. Each applicant shall furnish evidence satisfactory to the committee that he complies with the following requirements:

(1) Is at least 21 years of age;

(2) Is of good moral character;

(3) Is a citizen of the United States or has declared his intention to become a citizen. 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 this subdivision.

(4) Has received a doctorate degree in psychology or in educational psychology or has had training in psychology deemed equivalent by the committee. Such degree or training shall be obtained from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program.

(5) Has engaged for at least one year in suitable supervised professional experience as determined by the committee.

(6) Is not found by the committee to be engaging in unethical practices as set forth in Section 2960.

(7) Has not, within the preceding six months, failed an examination given by the committee.

Junior examination

2941.5. The committee shall give and any applicant may take a junior examination annually; provided, he is a graduate of a state-chartered school or college and meets the

requirements of subdivisions 1, 2, 3, 5, 6 and 7 of Section 2941; and provided, the academic program required by the school or college consisted of not less than 3,200 classroom hours with at least 1,200 such classroom hours in psychological subjects. For the purposes of this section, a classroom hour shall mean 50 accumulated minutes of actual attendance. In the event the applicant shall pass such examination, the committee shall waive subdivision 4 of Section 2941. The examination shall measure the level of achievement of the applicant in relation to the subject of psychology as taught in schools approved by the committee. In no case shall the standards of the examination be greater than the achievement level required by any school approved by the committee. The examination shall be written and shall be graded by the committee. A grade of 75 percent shall be a passing grade. Any applicant shall, upon written request, be allowed to see his graded paper. The committee shall keep the examinations as a permanent part of its records. This section shall expire October 1, 1965.

Examination, fee

2942. Unless otherwise provided in Section 2949, each applicant for a psychology certificate shall be examined by the committee, and shall pay to the board, at least 30 days prior to the date of examination, the examination fee required by this chapter, which fee shall not be refunded by the board. Unless otherwise provided in this chapter, each applicant for a psychology certificate shall pass an examination given by the committee.

Type, passing grade

2943. The examination shall be both written and oral and shall be given at least twice a year at the time and place and under the supervision as the committee may determine. A grade of 75 percent shall be a passing grade.

Scope

2944. The committee may examine for knowledge in whatever theoretical or applied fields in psychology as it may deem appropriate.

Grading, papers

2945. The committee shall grade the written examination and keep the written examination papers for at least one year.

Transcript of questions

2946. The committee shall keep an accurate transcript of the questions and answers relating to the oral examinations and the grade assigned to each answer thereof. The committee shall keep such transcript as a part of its records for at least one year following the date of examination

Reciprocity

2948. The board shall grant a certificate with or without examination by the committee to any person who, at the time of application, is licensed or certified by a board of examiners of another state if the committee determines that the requirements for obtaining a certificate or license in such state were equivalent to the requirements of this article.

Waiver of examination

2949. For a period of two years from the effective date of this chapter the committee shall waive the examination and the board shall grant a certificate to any applicant who complies with the following:

(a) Who is a resident of this State or who has been employed principally in this State for at least two years;

(b) Meets the requirements of subdivisions (1), (2), (3), (6), and (7) of Section 2941;

(c) Who has any one of the following:

(1) Received a doctorate degree in psychology or in educational psychology or has had training in psychology deemed equivalent by the committee from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program and who in addition has had three years of professional experience of a type considered qualifying by the committee.

(2) Received a master's degree in psychology or in educational psychology or has had training in psychology deemed equivalent by the committee from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program and in addition has had five years of professional experience of a type considered qualifying by the committee.

(3) Received a bachelor's degree from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program or training deemed equivalent by the committee and in addition has had 15 years of professional experience of a type considered qualifying by the committee.

(4) Any person who has met the requirements, passed an examination for, and has been duly appointed to and is employed as a psychologist under a federal, state, county, city and county, or municipal civil service system prior to July 1, 1959, or holds a valid school psychologist credential issued by the State Board of Education prior to July 1, 1959, shall be granted a certificate without examination.

All professional experience of the type considered qualifying by the committee under the provisions of this section shall have been accumulated no later than July 1, 1959.

Certification

2950. The board shall issue, upon the recommendation and at the direction of the committee, a certificate to all applicants who meet the requirements of this chapter and who pay to the board the certification fee required by this chapter.

Annual registration

2951. Every person certified by the board shall be required to submit annually a completed registration form to be devised by the committee and to pay the annual registration fee provided for in this chapter.

Article 5. Denial, Suspension and Revocation

Grounds for refusal, etc.

2960. Solely upon the direction and at the discretion of the committee, the board shall refuse to grant a certificate, or shall suspend or revoke a certificate for any of the following reasons:

(a) Conviction of a felony, or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

(b) Using any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public.

(c) Impersonating another person holding a psychology certificate or allowing another person to use his certificate.

(d) Using fraud or deception in applying for a certificate or in passing the examination provided for in this chapter.

(e) Accepting commissions or rebates or other forms of remuneration for referring clients to other professional persons.

(f) Violating Section 17500 of the Business and Professions Code

(g) Wilful betrayal of a professional secret.

(h) Allowing his name or certificate issued under this chapter to be used in connection with any person or persons who are performing psychological services outside of the area of their training, experience, and competence.

Disciplinary action

2961. The board, upon the direction and at the discretion of the committee, shall discipline the holder of any certificate, whose default has been entered or who has been heard by the committee and found guilty, by any of the following methods:

(a) Placing him upon probation.

(b) Suspending his certificate for a period not exceeding one year.

(c) Revoking his certificate.

Reinstatement

2962. One year from the date of a revocation of a certificate under this article, application may be made to the committee for reinstatement. The committee shall have complete discretion to accept or reject an application for reinstatement and may require an examination for such reinstatement.

"Conviction"

2963. 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. At the direction of the committee, the board shall order the certificate suspended or revoked, or shall 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.

Insanity, etc. Automatic suspension

2964. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital of any

certificate holder under this chapter for a mental illness shall operate as a suspension of the right to practice of such certificate holder, 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 committee, it shall immediately direct the board to suspend the certificate of the person adjudicated or committed. The board shall not restore such certificate to good standing until directed to do so by the committee. The committee shall not direct the board to restore such certificate until it receives competent evidence of restoration to or declaration of sanity and until the committee is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated. Before the reinstatement of such person, the committee may require the person to pass an oral examination to determine his present fitness to resume his practice.

Proceedings

2965. The proceedings under this article shall be conducted by the committee in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 6. Penalties

Penalties

2970. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding five hundred dollars ($500), or by both.

Injunctive relief, etc

2971. Whenever any person other than a certified psychologist has engaged in any act or practice which constitutes an offense against this chapter, the superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except that no undertaking shall be required in any action commenced by the board. The board may commence action in the superior court under the provisions of this section on its own motion, or on the written request of the Psychology Examining Committee.

Article 7. Revenue

Annual registration fee

2980. Each person holding a certificate as a psychologist in this State shall pay an annual registration fee to the board on or before the first day of January of each year, except that a person who is issued a certificate within 30 days of the end of each calendar year is exempt from the payment of the

annual registration fee for the year in which the certificate was issued.

Failure to pay

2981. The failure to pay the annual registration fee shall automatically effect a revocation of the certificate after a period of 60 days from the first day of January of each year.

The certificate shall not be restored except upon written application and the payment of the annual registration fee and the delinquency fee required by this chapter.

No examination shall be required for the restoration of a certificate that has been revoked under the provisions of this section.

Revenue Reports and payments

2982. The board shall report to the State Controller at the beginning of each month for the month preceding the amount and source of all revenue received by it pursuant to this chapter, and at the time shall pay the entire amount thereof into the Contingent Fund of the Board of Medical Examiners of California.

Contingent fund

2983. The money in the Contingent Fund of the Board of Medical Examiners necessary for the administration of this chapter is hereby continuously appropriated for such purposes.

Fees

2984. The amount of the fees payable pursuant to this chapter shall be fixed by the committee according to the following schedule:

(a) The examination fee for a certificate, twenty-five dollars ($25).

(b) The certification fee for a certificate, fifteen dollars ($15).

(c) The annual registration fee, not less than ten dollars ($10), nor more than forty dollars ($40), as determined by the committee.

(d) For the restoration of a certificate revoked for nonpayment of the annual registration fee, not less than ten dollars ($10), nor more than forty dollars ($40), as determined by the committee.

(e) The application fee, ten dollars ($10).

(f) The fee for the examination defined in Section 2941.5 shall be one hundred dollars ($100).

Saving clause

SEC. 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 2321

An act to add Section 18007 to the Government Code, relating to facilitating recruitment of technical and professional personnel for state civil service in positions for which there is a shortage of qualified applicants, and making an appropriation.

I object to the item of the appropriation in Section 2 of Assembly Bill No 2857, and I reduce the amount of said appropriation to $10,000. With this reduction I approve the bill.

GOODWIN J. KNIGHT
Governor

[Approved by Governor July 15, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18007 is added to the Government Code, to read:

18007. For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, the Board of Control may authorize payment of all or a part of the travel expense of applicants who are called for interview and all or a part of the travel and moving expense of persons who change their place of residence to accept employment with the State Such payments shall be authorized only upon the certification of the appointing power and the State Personnel Board that the expenditure is necessary in order to recruit qualified persons needed by the State.

Moving and travel expenses

If, for reasons, that do not meet the approval of the state department concerned, the employee or applicant for employment does not accept or continue such employment for a period of two years, he shall reimburse the state department for such moving and travel expenses for the full or proportionate amount.

For the purposes of this section satisfactory reasons for not completing two years of employment shall be death, prolonged illness, disability, unacceptability of the applicant or employee to the state department, and similar eventualities beyond the control of the applicant or employee.

SEC. 2. There is hereby appropriated such sums as may be necessary during the 1957-58 Fiscal Year to provide travel or moving expenses of persons recruited for state service as provided in Section 18007 of the Government Code, payable as follows:

Appropriation

(1) From the General Fund, one hundred thirty-five thousand dollars ($135,000);

(2) From each special fund from which the salary of recruited persons is payable, such sums as may be determined by the Department of Finance.

CHAPTER 2322

An act to add Section 8300.1 to the Water Code, relating to flood plain zoning, and making an appropriation therefor.

I object to the item of the appropriation in Section 2 of Assembly Bill No 2866, and I reduce the amount of said appropriation to $7,500 With this reduction I approve the bill.

GOODWIN J. KNIGHT
Governor

In effect September 11, 1957

[Approved by Governor July 15, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8300.1 is added to the Water Code, to read:

Zoning

8300.1. The department shall cooperate with the Federal Government and local public agencies in conducting a program of flood plain zoning as required by the Federal Flood Insurance Act of 1956 (Public Law 1016, 84th Congress, 2d Session).

Appropriation

SEC. 2. The sum of fifteen thousand dollars ($15,000) is hereby appropriated from the General Fund in the State Treasury to the Department of Water Resources in augmentation of Item 262, Budget Act of 1957.

CHAPTER 2323

An act to add Section 154.5 to the Water Code, relating to the State Water Board, and making an appropriation.

I object to the item of the appropriation in Section 2 of Senate Bill No 2419, and I reduce the amount of said appropriation to $15,000 With this reduction I approve the bill

GOODWIN J. KNIGHT
Governor

In effect September 11, 1957

[Approved by Governor July 15, 1957 Filed with Secretary of State July 16, 1957]

The people of the State of California do enact as follows:

SECTION 1. Section 154.5 is added to the Water Code, to read:

Assistants

154.5. The department shall furnish to the State Water Board, at its request, such technical and clerical assistants as are required to the extent funds are made available therefor.

Appropriation

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the Department of Water Resources the sum of forty-three thousand six hundred twenty-nine dollars ($43,629) to be expended during the 1957-1958 Fiscal Year in furnishing technical and clerical assistants to the State Water Board.

CHAPTER 2324

An act to amend Sections 1269b and 1295 of the Penal Code and Sections 736, 737, 737.1 and 737.5 of the Vehicle Code and to repeal Sections 737.2 and 737.3 of the Vehicle Code, relating to the acceptance of bail.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody and the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed shall have authority to accept bail in such amount as fixed by the warrant of arrest or schedule of bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows: Bail

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defendant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) The schedule of bail referred to herein shall be one adopted by the judge or a majority of the judges of each judicial district. It shall contain a list of such misdemeanor offenses and the amounts of bail applicable thereto as the judge or judges determine to be appropriate. The schedule of bail may also contain a general clause providing for a designated

amount of bail as the judge or judges of the judicial district determine to be appropriate for all misdemeanor offenses not specifically listed in the schedule The schedule of bail may be revised from time to time by the judge or judges of the judicial district. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the judicial district.

Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

SEC. 2. Section 736 of the Vehicle Code is amended to read:

Arrest requiring appearance before magistrate

736. When Person Arrested Must Be Taken Without Unnecessary Delay Before a Magistrate. Whenever any person is arrested for any violation of this code, not declared herein to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where the arrest is made or, if the magistrate is not available, before his clerk or the officer in charge of a jail wherein the person arrested could be held in custody upon the charge for which he was arrested, as provided in Section 1269b of the Penal Code, in any of the following cases:

(a) When the person arrested fails to exhibit his operator's or chauffeur's license or other satisfactory evidence of his identity.

(b) When the person arrested refuses to give his written promise to appear in court.

(c) When the person arrested demands an immediate appearance before a magistrate.

(d) When the person arrested is charged with violating Section 480, Section 502 or Section 506 hereof.

SEC. 3. Section 737 of the Vehicle Code is amended to read:

Optional appearance before magistrate

737. When Officer Has Option to Take Arrested Person Before a Magistrate. Whenever any person is arrested for any of the following offenses and the arresting officer is not

required as hereinabove provided to take such person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made or, if the magistrate is not available, before his clerk or the officer in charge of a jail wherein the person arrested could be held in custody upon the charge for which he was arrested, as provided in Section 1269b of the Penal Code:

(a) Section 504, relating generally to injuring or tampering with a vehicle.

(b) Section 505, relating to reckless driving.

(c) Section 662, relating to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lamps upon such vehicle under Section 663 hereof, which is punishable as a misdemeanor.

(d) Section 670(e), relating to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Section 709(c), relating to refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 481, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 483, relating to failure to stop after collision with an unattended vehicle.

(h) Section 601.5, relating to participating in speed contests.

(i) Section 332, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 608.3, relating to persons upon vehicular crossings.

SEC. 4. Section 737.1 of the Vehicle Code is amended to read:

737.1. Clerk of Magistrate or Jail Custodian May Accept Bail. Bail

When an arresting officer attempts to take a person arrested for a misdemeanor violation of this code before a magistrate as provided in Sections 736 and 737 and no such magistrate or person authorized to act for him is available, the arresting officer shall take the person arrested before the clerk of the magistrate or the officer in charge of the most accessible county jail, city jail or other place of detention within the county, who shall admit him to bail in accordance with a schedule, fixed as provided in Section 1269b of the Penal Code.

SEC. 5. Section 737.5 of the Vehicle Code is amended to read:

Nonresident

737.5. Procedure When Offense Committed by Nonresident Driving Foreign Motor Vehicle and Unable to Give Address in This State. Whenever a nonresident is arrested for violating any section of this code while driving a foreign motor vehicle, and such person does not furnish satisfactory evidence of identity and an address within this State at which he can be located, such arrested person may, in the discretion of the arresting officer, be taken immediately before a magistrate within the county where the offense charged is alleged to have been committed, and who has jurisdiction over such offense and is nearest or most accessible with reference to the place where the arrest is made, or if the magistrate is not available, before the clerk of the magistrate or the officer in charge of the most accessible county jail, city jail or other place of detention within the county, who shall admit him to bail in accordance with the provisions of Section 1269b of the Penal Code. If the magistrate is not available at the time of the arrest and the arrested person is not taken before any other person authorized to receive a deposit of bail, and if the arresting officer does not have the authority or is not required to take the arrested person before a magistrate or other person authorized to receive a deposit of bail by some other provision of law, such arrested person shall be released from custody upon giving a written promise to appear as provided in Section 739 of this code.

Repeals

SEC. 6. Section 737.2 of the Vehicle Code is repealed.

SEC. 7. Section 737.3 of the Vehicle Code is repealed.

SEC. 8. Section 1295 of the Penal Code is amended to read:

Discharge of defendant

1295. The defendant, or any other person, at any time after an order admitting defendant to bail or after the arrest and booking of a defendant for having committed a misdemeanor, instead of giving bail may deposit with the clerk of the court in which the defendant is held to answer or notified to appear for arraignment, the sum mentioned in the order, or if no order, in the schedule of bail previously fixed by the judges of said court, and upon delivering to the officer in whose custody defendant is a certificate of the deposit, defendant must be discharged from custody.

CHAPTER 2325

An act to amend Section 2540 of the Elections Code, relating to the qualification requirements for political parties.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2540 of the Elections Code is amended to read:

Party qualifications

2540. A party is qualified to participate in any primary election:

(a) If at the last preceding gubernatorial election there was polled for any one of its candidates who was the candidate of that party only for any office voted on throughout the State, at least 3 percent of the entire vote of the State, or for any one of its candidates who, upon the date of such gubernatorial election, as shown by the affidavits of registration of voters in the county of his residence, was affiliated with that party and who was the joint candidate of that party and any other party for any office voted on throughout the State, at least 6 percent of the entire vote of the State; or

(b) If on or before the 135th day before any primary election it appears to the Secretary of State as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters, equal in number to at least 1 percent of the entire vote of the State at the last preceding gubernatorial election, have declared their intention to affiliate with that party; or

(c) If on or before the 135th day before any primary election there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the State at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated therein, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters thereon shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point blackface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election." No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.

(d) Except that whenever the registration of any party which qualified in the previous direct primary election falls below one-fifteenth of 1 percent of the total state registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters, since the expense of printing ballots and holding a primary election would be an unjustifiable expense and burden to the State for so small a group. The Secretary of State shall immediately remove the name of such party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election.

CHAPTER 2326

An act making an appropriation for research relative to the production and control of rainfall by artificial means.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifty-one thousand dollars ($51,000) is appropriated from the General Fund in the State Treasury to the Department of Water Resources for expenditure during the 1957-58 Fiscal Year for research pursuant to Section 12605 of the Water Code relative to the production and control of rainfall by artificial means in connection with the Santa Barbara weather modification project or any other experimental program of artificial nucleation.

CHAPTER 2327

An act to amend Sections 7403, 7434, and 7461 of the Education Code, relating to bonding capacity of school districts and to the terms of school district bonds.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7403 of the Education Code is amended to read:

Notice

7403. The notice shall contain:

(a) The election precincts, if any, established for the election and 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 during the day which the polls will be open.

(d) The purposes for which the bonds are to be issued.

(e) The amount of the bonds.

(f) The maximum rate of interest, not to exceed 5 percent.

(g) The maximum number of years, not exceeding 25, not to exceed which the bonds, or any series thereof, are to run.

Consolidated elections

If the election is consolidated with any other election, the notice 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 reference shall be made to such ordinance, order, 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 publication has been or will be made, or by any other definite description.

Any election called pursuant to this chapter may be consolidated with any other election pursuant to the provisions of Chapter 4 of Part 2 of Division 11 of the Elections Code. In such event the provisions of law governing such other election with respect to the manner of marking ballots shall also apply to the election called pursuant to this chapter.

SEC. 2. Section 7434 of said code is amended to read:

7434. The number of years the whole or any part of the bonds are to run shall not exceed 25 years, from the date of the bonds or the date of any series thereof. Bonds

SEC. 3. Section 7461 of said code is amended to read:

7461. The board of supervisors by an order entered upon its minutes shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds or the date of any series thereof. Maturity date

Any bonds authorized at an election held after the effective date of this act may be issued subject to call and redemption before maturity at the option of the governing board of the district. Said governing board, at any time following a bond election and prior to the issuance and sale of the bonds authorized thereat, may by resolution determine that all or any part of such bonds shall be issued subject to call and redemption before maturity and the price or prices at which said bonds shall be redeemed. A certified copy of such resolution shall be filed with the board of supervisors. Thereafter said board of supervisors, in its order fixing the form of the bonds and the maturities thereof, shall provide that the bonds be redeemable at the option of said governing board and at the price or prices fixed in said resolution. Bonds issued subject to call and redemption prior to maturity shall contain a recital to that effect, and no bond shall be subject to call or redemption prior to maturity unless it contains such a recital. The board of supervisors in its order shall fix the method of giving notice of redemption to holders of bonds to be redeemed. Call and redemption

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CHAPTER 2328

An act relating to public libraries and the operation and financing thereof, providing for the creation of the California Public Library Commission and a joint legislative investigating committee, prescribing their powers and duties, and making an appropriation.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The California Public Library Commission is hereby created to study and investigate the organizational Public Library Commission

structure of all public libraries in this State, their operations and needed improvements to make their services available to all members of the public, and methods of financing public libraries, with particular reference to whether there is a need for state participation in such financing in view of their relationship to the educational program.

Legislative committee

SEC. 2. The Joint Legislative Investigating Committee is hereby created and authorized to study and investigate the subject of public libraries as specified in Section 1 of this act.

The committee shall consist of two Members of the Senate and two Members of the Assembly who shall be selected in the manner provided for in the Joint Rules of the Senate and Assembly. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee between general sessions of the Legislature shall be filled in the manner provided for in the Joint Rules of the Senate and Assembly.

The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee and it shall have such powers, duties and responsibilities as the Joint Rules of the Senate and Assembly prescribe, and all the powers conferred upon committees by Section 37, Article IV of the Constitution.

Commission: Members

SEC. 3. The California Public Library Commission shall consist of the four members of the committee created by Section 2, and nine persons appointed by the Governor who shall serve at his pleasure, and one of whom shall be designated by him as the chairman of the commission.

Meetings

SEC. 4. The commission may meet and act and conduct hearings at any place within the State. The commission may employ such persons and incur such other expenses as may be necessary. The commission may create committees of its membership to conduct meetings or conferences and formulate proposals for legislation.

Compensation

The members of the commission and of its committees shall serve without compensation, but they may be paid their necessary expenses incurred in carrying out the provisions of this act.

Report, period of existence

SEC. 5. The commission shall report its findings and recommendations to the Governor and the Legislature on or before January 10, 1959.

In order to assist the Legislature and its committees and members in considering its findings and proposals, the commission shall continue in existence until the final adjournment of the 1959 Regular Session of the Legislature, after which it shall cease to exist.

Appropriation

SEC. 6. The sum of twenty-five thousand dollars ($25,000), or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State Treasury to carry out the provisions of this act for the Fiscal Year 1957-58.

CHAPTER 2329

An act to repeal Article 3, comprising Sections 400 to 459, inclusive, of Chapter 2, Division 1 of, to add Article 3 comprising Sections 400 to 408, inclusive, to Chapter 2, Division 1 of, and to amend Section 7003 of, the Education Code, relating to the county superintendents of schools.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Article 3, comprising Sections 400 to 459, inclusive, of Chapter 2, Division 1 of the Education Code is hereby repealed. Repeals

SEC. 2. Article 3, comprising Sections 400 to 408, inclusive, is added to Chapter 2, Division 1 of said code, to read:

Article 3. Qualifications and Compensation of County Superintendents of Schools

400. For the purposes of prescribing the qualifications required of county superintendents of schools and fixing their salaries the counties are classified on the basis of the average daily attendance in the public schools of the State in the respective counties as follows: Classification of counties

Class one (1) includes all counties with an average daily attendance of seven hundred fifty thousand (750,000) and over.

Class two (2) includes all counties with an average daily attendance of one hundred forty thousand (140,000) to seven hundred forty-nine thousand nine hundred ninety-nine (749,999), inclusive.

Class three (3) includes all counties with an average daily attendance of sixty thousand (60,000) to one hundred thirty-nine thousand nine hundred ninety-nine (139,999), inclusive.

Class four (4) includes all counties with an average daily attendance of fifteen thousand (15,000) to fifty-nine thousand nine hundred ninety-nine (59,999), inclusive.

Class five (5) includes all counties with an average daily attendance of seven thousand (7,000) to fourteen thousand nine hundred ninety-nine (14,999), inclusive.

Class six (6) includes all counties with an average daily attendance of one thousand (1,000) to six thousand nine hundred ninety-nine (6,999), inclusive.

Class seven (7) includes all counties with an average daily attendance of one hundred (100) to nine hundred ninety-nine (999), inclusive.

Class eight (8) includes all counties with an average daily attendance of under one hundred (100).

Credential

400.1. Except as provided in this section no person shall hereafter be elected or appointed to office as county superintendent of schools of any county who does not possess a valid credential issued by the State Board of Education of the type designated in this article for each class.

Where a county changes from one class to another because of an increase in the average daily attendance in the public schools of such county, the incumbent county superintendent of schools in that county shall not be prohibited from continuing in office and shall be eligible for re-election to the same office regardless of whether he possesses a valid credential otherwise required in a county of that class.

Salaries and qualifications of county superintendents

400.2. The salary and qualifications of the county superintendent of schools in each county shall be as set forth in this article for that class into which the county falls. The class into which each county falls shall be determined on October 1st of each year based upon the average daily attendance in the public schools of such county for the preceding school year as reported to the State Department of Education. In no case will the salary of the county superintendent be lowered during his term of office.

The salaries set forth in this article are payable to incumbent county superintendent of schools; provided, however, that the salary of an incumbent shall not be reduced during the term for which he was elected or appointed or for any consecutive new term to which he is elected or appointed.

401. All county superintendents of schools in counties within class one (1) shall receive an annual salary of nineteen thousand dollars ($19,000) and each shall possess a valid general administrative credential issued by the State Board of Education Of the amount prescribed in this section, the State shall pay twelve thousand dollars ($12,000), and the county seven thousand dollars ($7,000).

402. All county superintendents of schools in counties within class two (2) shall receive an annual salary of sixteen thousand five hundred dollars ($16,500) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay ten thousand five hundred dollars ($10,500), and the county shall pay six thousand dollars ($6,000).

403. All county superintendents of schools in counties within class three (3) shall receive an annual salary of fourteen thousand five hundred dollars ($14,500) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay nine thousand five hundred dollars ($9,500), and the county shall pay five thousand dollars ($5,000).

404. All county superintendents of schools in counties within class four (4) shall receive an annual salary of twelve

thousand dollars ($12,000) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay eight thousand dollars ($8,000), and the county shall pay four thousand dollars ($4,000).

405. All county superintendents of schools in counties within class five (5) shall receive an annual salary of nine thousand five hundred dollars ($9,500) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay six thousand five hundred dollars ($6,500), and the county shall pay three thousand dollars ($3,000).

406. All county superintendents of schools in counties within class six (6) shall receive an annual salary of eight thousand dollars ($8,000) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay six thousand dollars ($6,000), and the county shall pay two thousand dollars ($2,000).

407. All county superintendents of schools in counties within class seven (7) shall receive an annual salary of six thousand dollars ($6,000) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay five thousand dollars ($5,000), and the county shall pay one thousand dollars ($1,000).

408. All county superintendents of schools in counties within class eight (8) shall receive an annual salary of four thousand two hundred dollars ($4,200) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay three thousand two hundred dollars ($3,200), and the county shall pay one thousand dollars ($1,000).

SEC. 3. Section 7003 of said code is amended to read:

7003 The budget submitted pursuant to Section 7002 shall include an amount equal to that specified by law as the State's contribution toward payment of the annual salary of the county superintendent of schools to be used exclusively for the partial payment of the annual salary of the county superintendent of schools. Such amount shall be paid for such purpose from the allowance made to the county school service fund pursuant to Section 7001. Budget

CHAPTER 2330

An act to amend Sections 203.8, 2160, 2187, 2200, 3040, 3041, 3087.1, 3090, 3430, 3431, 3450 and 3480 of, and to repeal Sections 2160.2, 2201, 3042 and 3090.5 of the Welfare and Institutions Code, relating to requirements for recipients of aid.

In effect September 11, 1957

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2160 of the Welfare and Institutions Code is amended to read:

Eligibility for aid

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the Federal Government shall provide or make available to this State grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who is a citizen of the United States or who has lived in the United States for 25 years at the time of making application and was not eligible to citizenship prior to December 24, 1952, and has not been convicted of an overt act against the Government of the United States;

(c) Who possesses either of the following residence qualifications:

(1) Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has so resided for a period of 40 years at least five of which have immediately preceded this application;

(2) During such time as grants-in-aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application;

(d) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations of the Federal Security Agency provided for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not spe-

cifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by said last preceding clause, if the contract does not specifically provide for this need.

(e) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(f) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(g) Who is not a patient in a public institution for tuberculosis or mental disease.

(h) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis.

(i) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(j) Who is not an inmate of a federal medical institution.

SEC. 2. Section 2187 of said code is amended to read:

2187. From the sums appropriated therefor by the State of California, the State Treasurer shall pay to each county an additional amount which shall be used exclusively for aid to needy aged equal to six-sevenths of the remainder of the sums expended by the county as aid to the needy aged under this chapter, after deducting from the sums so expended the amount paid to the county under subdivision (1) of Section 2186 of this code. State contribution

SEC. 3. Section 2200 of said code is amended to read:

2200. County residence is not a qualification for aid under this chapter. County responsibility

County responsibility for making aid payments is determined as follows:

(a) Notwithstanding Section 2180 of this chapter the county where the aged person lives shall accept the application and shall be responsible for paying the aid.

(b) Responsibility for payment of aid to any aged person qualifying for and receiving aid from any county who removes to another county in this State to make his home, shall be transferred to the second county as soon as administratively possible but not later than the first day of the month following 60 days after notification to the second county.

SEC. 4. Section 3040 of said code is amended to read:

3040. No person who has become blind while a resident of the State is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age. Blind Over age 16

SEC. 5. Section 3041 of said code is amended to read:

Nonresident

3041. No person who became blind while he was a nonresident of this State, is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age and unless, except as provided in Section 3043, he has been a resident of the State for a period of 10 years immediately preceding the filing of his application.

SEC. 6. Section 3087.1 of said code is amended to read:

State contribution

3087.1. From the sums appropriated in Section 3025 of this code the State Treasurer shall pay to each county an additional amount, which shall be used exclusively for aid to the needy blind under this chapter, equal to three-fourths of the remainder of the sums expended by the county as aid to the needy blind under this chapter after deducting from the sums so expended the amount paid to the county under subdivision 1 of Section 3087 of this code.

SEC. 7. Section 3090 of said code is amended to read:

County responsibility

3090 County residence is not a qualification for aid under this chapter.

County responsibility for making aid payments is determined as follows:

(a) The county where the blind person lives, or if the blind person is a minor where the parents, relative or person in loco parentis providing a home and care for such blind person lives, shall accept the application and shall be responsible for paying the aid

(b) Responsibility for payment of aid to any blind person qualifying for and receiving aid from any county who removes to another county in this State to make his home, shall be transferred to the second county as soon as administratively possible but not later than the first day of the month following 60 days after notification to the second county.

SEC. 8. Section 3430 of said code is amended to read:

Blind Over age 16

3430. No person who has become blind while a resident of the State is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age.

SEC. 9. Section 3431 of said code is amended to read:

Nonresident

3431. No person who became blind while he was a nonresident of the State, is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age and unless he has been a resident of the State for a period of 10 years immediately preceding the filing of his application.

SEC. 10. Section 3450 of said code is amended to read:

County responsibility

3450. County residence is not a qualification for aid under this chapter.

County responsibility for making aid payments is determined as follows:

(a) The county where the blind person lives, or if the blind person is a minor where the parents, relative or person in loco parentis providing a home and care for such blind person lives, shall accept the application and shall be responsible for paying the aid.

(b) Responsibility for payment of aid to any blind person qualifying for and receiving aid from any county who removes to another county in this State to make his home, shall be transferred to the second county as soon as administratively possible but not later than the first day of the month following 60 days after notification to the second county.

SEC. 11. Section 3480 of said code is amended to read:

3480. From the sums appropriated in Section 3420 of this code the State Treasurer shall pay to each county an amount, which shall be used exclusively for aid to the blind under this chapter, equal to five-sixths of the sums expended by the county as aid to the blind under this chapter. State contribution

SEC. 12. Sections 2160.2, 2201, 3042 and 3090.5 of said code are repealed. Repeals

SEC. 13. This act is operative October 1, 1957. Operative date

SEC. 14. Section 203.8 of said code is amended to read:

203.8. Notwithstanding any other provisions of this code the county which is responsible for the payment of public assistance to any person or group of persons under Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, or Division 5 and the needy relative in the case of aid to needy children, shall provide the necessary hospital or medical care, or both, if otherwise qualified for such care. If a recipient of public assistance moves from one county to another county within this State to make his home the county to which such recipient removes shall become responsible for providing medical or hospital care or both, if he is otherwise qualified for such care, upon notification by the first county that such recipient has moved to the second county for the purpose of making his home in said county. Medical care

CHAPTER 2331

An act to amend Section 3420 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents and making an appropriation therefor.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3420 of the Welfare and Institutions Code is amended to read:

3420. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county in the State for maintaining, supporting, or caring for, as provided in this chapter, blind persons who come within the provisions of this chapter, aid not in excess of a sum equal to five-sixths of the grant made pursuant to this chapter to every such blind person, each month for each such blind person so maintained, supported and cared for, by such county.

CHAPTER 2332

An act to add Section 54157.1 to the Government Code, relating to the repair and restoration of property damaged or destroyed by storms or floods, making an appropriation in augmentation of Section 2 of the Flood Relief Law of 1956 to provide state assistance to local agencies for flood relief pursuant to said law, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 54157.1 is added to the Government Code, to read:

Local agency applications

54157.1. No local agency applications to the department for an allocation of funds pursuant to this article shall be accepted by the department after June 1, 1957.

Appropriation

SEC. 2. The sum of one million two hundred thousand dollars ($1,200,000) is hereby appropriated to the State Public Works Board out of the General Fund in augmentation of the amount appropriated from the General Fund by Section 2 of the Flood Relief Law of 1956 (Chapter 9, Statutes of 1956, First Extraordinary Session).

Urgency

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and therefore, shall go into immediate effect. The following is a statement of the facts constituting such necessity:

Severe storms and floods during the months of December, 1955, and January and February, 1956, caused extensive damage to levees, flood control works, channels, irrigation works, city streets and county roads and bridges and other public property to such an extent that special appropriations to augment the funds of local agencies were made under the Flood Relief Law of 1956 for the repair and restoration of such public property. The General Fund appropriation contained in said Flood Relief Law of 1956 will soon be exhausted due to cost increases which have made the repair and restoration of such public property more costly than estimated and there still remains a substantial amount of such work yet to be performed. These factors necessitate an augmentation of the General Fund appropriation contained in said Flood Relief Law of 1956 in order to put such property into condition for public use at the earliest possible time. Therefore, it is necessary in the interests of public health and safety that this act take effect immediately.

CHAPTER 2333

An act to amend Sections 5154.5, 7106, and 10208 of the Education Code, relating to excess cost reimbursement to school districts for automobile driver training classes, and making an appropriation.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5154.5 of the Education Code is amended to read:

5154.5. (a) In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed thirty-five dollars ($35) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

Reimbursement of school districts

Appropriation

SEC. 2. Section 7106 of said code is amended to read:

7106. The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual cost, but not in excess of thirty-five dollars ($35) per pupil instructed in automobile driver training, during the preceding fiscal year in accordance with regulations set forth by the State Board of Education to districts for instructing pupils in automobile driver training.

Allowance per pupil

SEC. 3. Section 10208 of said code is amended to read:

10208. The Superintendent of Public Instruction shall allow to each district the actual excess cost of training each pupil in such driver training in accordance with the rules and regulations as set forth by the State Board of Education. However, there shall not be allowed a sum in excess of thirty-five dollars ($35) per pupil trained. Not more than the maximum enrollment of the tenth, eleventh, or twelfth grade classes of the district shall be counted as eligible for instruction in automobile driver training each year.

Excess cost

CHAPTER 2334

An act to add Section 163.5 to, and to amend Section 171c of, the Civil Code, relating to separate property status of damages for personal injuries recovered by a married person.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 163.5 is added to the Civil Code, to read:

Damages

163.5. All damages, special and general, awarded a married person in a civil action for personal injuries, are the separate property of such married person.

SEC. 2. Section 171c of said code is amended to read:

Management, etc., of community property

171c. Notwithstanding the provisions of Section 161a and 172 of this code, and subject to the provisions of Sections 164 and 169 of this code, the wife has the management, control and disposition, other than testamentary except as otherwise permitted by law, of community property money earned by her until it is commingled with other community property.

During such time as the wife may have the management, control and disposition of such money, as herein provided, she may not make a gift thereof, or dispose of the same without a valuable consideration, without the written consent of the husband.

This section shall not be construed as making such money the separate property of the wife, nor as changing the respective interests of the husband and wife in such money, as defined in Section 161a of this code.

Application

SEC. 3. Sections 1 and 2 of this act do not apply to actions pending or to causes of action existing on the effective date of this act. As to such actions and causes of action, Section 171c as it existed prior to the effective date of this act shall be applicable.

CHAPTER 2335

An act to amend Section 1518.1 of the Military and Veterans Code, relating to civil defense and disaster preparedness and relief, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 15, 1957 Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1518.1 of the Military and Veterans Code is amended to read:

Salaries Disaster Office

1518.1. In addition to the authority conferred upon him by Section 12001 of the Government Code, the Governor may also appoint and fix the salaries of such assistants and employees for the California Disaster Office as he may deem necessary. Salaries within said office shall be fixed as nearly as possible to conform to the salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

The employees appointed by the Governor shall include a sufficient number of full-time regional coordinators and assistant coordinators to adequately carry out the purposes of this chapter throughout the State.

Appropriation

SEC. 2. The sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary is appropriated from the General Fund in the State Treasury in augmentation of Item

29 of the Budget Act of 1957 for additional support of the California Disaster Office for payment of salaries and expenses of additional personnel as may be necessary.

CHAPTER 2336

An act to amend Section 4153 of the Education Code, relating to school district governing boards.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4153 of the Education Code is amended to read:

4153. Junior college boards shall meet on the first day in July of each year at 11 o'clock a.m., and organize by electing a president from its members, and a secretary.

Any junior college board may, at a meeting held between May 15th and June 15th, determine that the meeting on the next succeeding July 1st shall be held at some other time than 11 a.m. In case such action is taken, the clerk of the board shall notify in writing all members and members-elect of the time of the July 1st meeting and shall also publish this action of the governing board.

CHAPTER 2337

An act to amend Section 3191 of the Education Code, relating to school district governing boards.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3191 of the Education Code is amended to read:

3191. Each district, union, and joint union high school district governing board shall meet on the first day of July of each year at 12 o'clock noon, and organize by electing a president from its members and a clerk.

The governing board of any district, union, or joint union high school district may, at a meeting held between May 15th and June 15th, determine that the meeting on the next succeeding July 1st shall be held at some other time than at 12 o'clock noon. In case such action is taken, the clerk of the board shall notify in writing all members and members-elect of the time of the July 1st meeting and shall also publish this action of the governing board.

CHAPTER 2338

An act to amend Section 2021 of the Welfare and Institutions Code, relating to old age security and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2021 of the Welfare and Institutions Code is amended to read:

2021. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to every county within this State for maintaining or supporting aged persons who come within the provisions of this chapter aid not in excess of a sum equal to six-sevenths of the grant made pursuant to this chapter to every such aged person, after deducting therefrom the amount of any sum received from the United States Government as old-age assistance in respect to such aged persons, each month for each such aged person maintained or supported by such county.

Payments of aid shall be made in the manner provided in Sections 2187 to 2189, inclusive of this code.

CHAPTER 2339

An act to amend Section 3025 of the Welfare and Institutions Code, relating to aid to needy blind and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3025 of the Welfare and Institutions Code is amended to read:

3025. State Appropriations to Counties. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county in the State for maintaining, supporting, or caring for, as provided in this chapter, needy blind persons who come within the provisions of this chapter, aid not in excess of a sum equal to three-fourths of the grant made pursuant to this chapter to every such needy blind person, after deducting therefrom the amount of any sum received from the United States Government for aid to the blind in respect to such blind person, each month for each such needy blind person maintained, supported and cared for by such county.

Payments of aid shall be made in the manner provided in Sections 3087.1 to 3087.3, inclusive, of this code.

CHAPTER 2340

An act to amend Sections 73602 and 73603 of, and to add Section 73605 to, the Government Code, relating to the Municipal Court in the Cities of Daly City and South San Francisco.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 73602 of the Government Code is amended to read:

73602. There shall be one clerk who shall receive an annual salary of seven thousand six hundred twenty dollars ($7,620). Salaries Clerk

SEC. 2. Section 73603 of said code is amended to read:

73603. The clerk may appoint:

(a) Three deputy clerks, class II, each of whom shall receive a salary of two hundred ninety-seven dollars ($297) per month, and annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of three hundred seventy-one dollars ($371) per month. Deputy clerks

(b) Four deputy clerks, class I, each of whom shall receive a salary of two hundred sixty-six dollars ($266) per month and annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred thirty-two dollars ($332) per month.

SEC. 3. Section 73605 is added to said code, to read:

73605. 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 Mateo, 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 general session of the Legislature. Equalization

CHAPTER 2341

An act to amend Section 13533.5 of the Education Code, relating to the dismissal of certificated employees of school districts.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13533.5 of the Education Code is amended to read:

13533.5. Upon any such trial, the court or any party may call and examine expert witnesses to testify as to any matter of professional or personnel standards, skill, fitness, competency, performance, or other such professional matters as may be involved in the subject matter at issue. Any such expert witness so called shall be examined as to his competency and qualifications as an expert and as to his bias, by the party or the court calling him. He shall be subject to objection as to such competency and qualifications or bias. If any such witness is called and examined by the court, the rights of the parties shall be those provided by Section 1871 of the Code of Civil Procedure.

If the court determines that any such witness is competent and qualified to testify as an expert as to any issue or matter involved in the trial, the court may also receive and consider as evidence any report thereon, or any relevant portions thereof, submitted by such expert witness individually or as a member of a commission on personnel standards, or a panel thereof, maintained by a state-wide professional educational association or by a state-wide organization of governing boards of school districts, but only if during such trial all members of such commission or panel are subject to the process of the court. The members of the commission, or of the panel which prepared the report may be called by the court or by any party to the proceeding to testify as expert witnesses as to the matters reported upon.

Before any such report or portion thereof may be introduced as evidence, a copy shall have been served upon the defendant at least 10 days before trial. Any report so received, and all testimony, statements and other proceedings before the commission, or the panel thereof, shall be deemed to be in connection with judicial proceedings within the meaning of Section 47 of the Civil Code.

The court may fix, and apportion and charge, the compensation and necessary expenses of any such expert or experts in the manner provided by Section 1871 of the Code of Civil Procedure.

CHAPTER 2342

An act to add Sections 20750.112, 20750.22, 20750.32, 20750.42 and 21251.5 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 21251.5 is added to the Government Code, to read:

21251.5. (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 on or prior to July 1, 1956, is hereby increased by a monthly amount which, when added to any other increases in such retirement allowance made by the Legislature at its 1957 Regular Session, equals the percentage increase 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 1957 Regular Session, bears the same ratio to the percentage increase set forth in the following table opposite the period during which the member's retirement became effective that the number of completed years of state service with which the member is entitled to be credited bears to 20 years:

Percentage increase in allowance

Period during which retirement became effective	Percentage of increase in monthly retirement allowance where member is entitled to be credited with 20 or more years of state service
On or prior to July 1, 1954	5%
Twelve months ended July 1, 1955	4%
Twelve months ended July 1, 1956	3%

In addition to these percentage increases, the retirement allowance payable for time commencing on the effective date of this section to or on account of any member who was retired on or prior to July 1, 1956, shall be increased by ten dollars ($10) per month.

Flat increase

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 Sec-

Modified allowance

tion 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.

Apportionment

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 bears to the total state service with which he is credited, and shall be derived from the same source as such pensions.

Death benefit

(b) Every special death benefit payable for time commencing on the effective date of this section on account of the industrial death of any member who died on or prior to July 1, 1956, is hereby increased by a monthly amount which, when added to any other increases in such death benefit made by the Legislature at its 1957 Regular Session, equals the percentage increase set forth in the following table opposite the period during which the member's death occurred:

Period during which industrial death occurred	Percentage of increase in monthly special death benefit installments
On or prior to July 1, 1954	5%
Twelve months ended July 1, 1955	4%
Twelve months ended July 1, 1956	3%

(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.

Legislative intent

(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 1957 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 1957 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 1957 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. Exception

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.

(f) Any person receiving an allowance subject to the increase provided for herein may elect to waive such increase and continue to receive their allowance unmodified by the provisions of this section. Waiver

(g) The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the State so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. Excess benefits

SEC. 2. Section 20750.112 is added to said code, to read:

20750.112. The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to eighteen hundredths (0.18) of 1 percent of the compensation paid state miscellaneous members. State contribution increases

SEC. 3. Section 20750.22 is added to said code, to read:

20750.22. The State's contribution to the Retirement Fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to sixty-seven hundredths (0.67) of 1 percent of the compensation paid state patrol members.

SEC. 4. Section 20750.32 is added to said code, to read:

20750.32. The State's contribution to the Retirement Fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to twelve hundredths (0.12) of 1 percent of the compensation paid forestry members.

SEC. 5. Section 20750.42 is added to said code, to read:

20750.42. The State's contribution to the Retirement Fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to forty-four hundredths (0.44) of 1 percent of the compensation paid warden members.

SEC. 6. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date. Operative date

CHAPTER 2343

An act making an appropriation for payments to private homes for care of patients on leave of absence from state hospitals.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to the Department of Mental Hygiene, the sum of three hundred thirteen thousand two hundred dollars ($313,200) to augment Item 144 of the Budget Act of 1957, to be expended in accordance with the following schedule:

1. For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code $313,200

CHAPTER 2344

An act to amend Section 6726 of, and to repeal Section 7012.5 of, the Welfare and Institutions Code, relating to costs of care for mental patients.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6726 of the Welfare and Institutions Code is amended to read:

Parole, etc

6726. The superintendent of a state hospital for the mentally ill or mentally deficient may grant a parole or leave of absence to a patient under general conditions prescribed by the Department of Mental Hygiene.

The department may pay at a monthly rate any private home, certified by the department, for any patient paroled or on leave of absence from a state hospital during the time such patient is cared for at such private home at a rate not exceeding seventy dollars ($70) per month for each such patient, except that on the basis of a scale developed by the Department of Mental Hygiene and approved by the Department of Finance, higher rates may be paid, but in no case to exceed one hundred dollars ($100). Payments for such care of paroled or on leave of absence patients shall be made from funds available to the department for that purpose or for the support of patients in the state hospital or hospitals from which such patients have been paroled or are on leave of absence.

Repeal

SEC. 2. Section 7012.5 of said code is repealed.

CHAPTER 2345

An act to add Section 194.2 to the Streets and Highways Code, relating to determinations of increases of population and making an appropriation therefor.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 194.2 is added to the Streets and Highways Code, to read:

194.2. On and after July 1, 1958, any city or city and county whose population has been increased substantially since the last federal census may apply to the Department of Finance to estimate the increase in population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller. Estimated population increases

All allocations under Section 194 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated if the increase in population is 5 percent or more of the population as determined by the last federal census. The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

After January 1, 1960, no city or city and county may apply to the United States Bureau of Census to determine the increase in population more than twice in a period between decennial censuses.

This section does not apply to counties.

SEC. 2. There is hereby appropriated to the Department of Finance from the General Fund in the State Treasury the sum of twenty-one thousand five hundred fifty-two dollars ($21,552) in augmentation of Item 118 of the Budget Act of 1957. Appropriation

CHAPTER 2346

An act to repeal Section 3346 of, and to add Section 3346 to, the Civil Code, relating to wrongful injuries to or removal of timber, trees, or underwood upon the land of another.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 3346 of the Civil Code is hereby repealed.

SEC. 2. A new Section 3346 is hereby added to the Civil Code, to read as follows:

Measure of damages Trees, etc

3346. (a) For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such sum as would compensate for the actual detriment, except that where the trespass was casual or involuntary, or that the defendant in any action brought under this section had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, the measure of damages shall be twice the sum as would compensate for the actual detriment, and excepting further that where the wood was taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the land or adjoining it, in which case judgment shall only be given in a sum equal to the actual detriment.

(b) The measure of damages to be assessed against a defendant for any trespass committed while acting in reliance upon a survey of boundary lines which improperly fixes the location of a boundary line, shall be the actual detriment incurred if both of the following conditions exist:

1. The trespass was committed by a defendant who either himself procured, or whose principal, lessor, or immediate predecessor in title procured the survey to be made; and

2. The survey was made by a person licensed under the laws of this State to practice land surveying.

(c) Any action for the damages specified by subdivisions (a) and (b) of this section must be commenced within five years from the date of the trespass.

CHAPTER 2347

An act to amend Section 36937 of the Government Code, relating to city ordinances.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 36937 of the Government Code is amended to read:

36937. Ordinances take effect 30 days after their 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) Relating to taxes for the usual and current expenses of the city.

(e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

CHAPTER 2348

An act to amend Sections 31726, 31727, and 31727.2 of the Government Code, relating to retirement of county employees.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 31726 of the Government Code is amended to read:

31726. Upon retirement for disability a member who has attained age 55 shall receive his service retirement allowance. Disability retirement allowance Amount

Every member under age 55 who is retired for disability shall receive a disability retirement allowance which shall be the greater of:

(1) The sum to which he would be entitled as service retirement; or

(2) A sum which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, wilful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county or district.

SEC. 2. Section 31727 of said code is amended to read:

31727. 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, exclusive of the annuity provided by his accumulated additional contributions, equal:

(a) Ninety percent of one-sixtieth of his final compensation multiplied by the number of years of service credited to him, if such disability retirement allowance exceeds one-third of his final compensation.

(b) If the disability retirement allowance computed under (a) does not exceed one-third of his final compensation, 90

percent of one-sixtieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-third of his final compensation.

SEC. 3. Section 31727.2 of said code is amended to read:

Safety member Nonservice disability retirement

31727.2. The nonservice-connected disability retirement pension for a safety member shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-fiftieth of his final compensation multiplied by the number of years of service credited to him, if such disability retirement allowance exceeds one-third of his final compensation.

(b) If the disability retirement allowance computed under (a) does not exceed one-third of his final compensation, 90 percent of one-fiftieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 55, but in such case the retirement allowance shall not exceed one-third of his final compensation.

CHAPTER 2349

An act making an appropriation to the State Department of Social Welfare for the administration of a program of medical services to public assistance recipients.

In effect September 11, 1957

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. In augmentation of Item 251 of the Budget Act of 1957 there is hereby appropriated to the State Department of Social Welfare out of the General Fund in the State Treasury the sum of one hundred twenty-three thousand six hundred seventy dollars ($123,670) for the purpose of carrying out the provisions of Part 3 of Division 5 of the Welfare and Institutions Code.

This appropriation is made in accordance with the following schedule.

Schedule:

(a) Salaries and wages	$149,060
(b) Operating expenses and equipment	85,839
Total of schedule	234,899
Less amounts available from other sources:	
Estimated grants from the Federal Government	111,229
Net appropriation	123,670

CHAPTER 2350

An act to amend Section 1195.1 of the Code of Civil Procedure, relating to liens.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1195.1 of the Code of Civil Procedure is amended to read:

"Residential unit", lien

1195.1. If a work of improvement consists in the construction of two or more separate residential units, each such unit shall be considered a separate "work of improvement" or "improvement," and the time for filing claims of lien against each such residential unit as provided in this chapter shall commence to run upon the completion of each such residential unit. A separate residential unit is defined as consisting of one residential structure together with any garages or other outbuildings appurtenant thereto. The provisions of this qualification shall not impair any rights conferred under the provisions of Sections 1192.1, 1194.1, and 1184.1 of this code. Materials delivered to or upon any portion of said entire work of improvement or furnished to be used in said entire work of improvement and ultimately used or consumed in one of such separate residential units shall, for all the purposes of this chapter, be deemed to have been furnished to be used or consumed in the separate residential unit in which the same shall have been actually used or consumed; provided, however, that if the lien claimant is unable to segregate the amounts used on or consumed in such separate units he shall be entitled to all the benefits of Section 1194.1 of this code.

Statutory construction

SEC. 2. A general revision of the Mechanics' Lien Law was effected by Chapter 1159 of the Statutes of 1951. Section 5 of the chapter provided that nothing therein was to be construed as an alteration in the public policy or legislative intent regarding the law or its meaning or substance. In the transposition of provisions from Section 1187 of the Code of Civil Procedure to Section 1195.1, the phrase "or furnished to be used in said entire work of improvement" was inadvertently omitted. The purpose of this act is to remedy that inadvertence and thus to preclude any interpretation that Chapter 1159 of the Statutes of 1951, in adding Section 1195.1, did, contrary to expressly stated legislative intention, effect a substantive change.

CHAPTER 2351

An act to amend Section 25630 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 25630 of the Business and Professions Code is amended to read:

25630. Every on- or off-sale licensee who sells, gives away, or furnishes any alcoholic beverage in any election district or precinct in any county where a city, county, state or national election is in progress, during the hours when by law the polls are required to be kept open for voting, shall be guilty of a misdemeanor.

CHAPTER 2352

An act to renumber the title of Article 2 (commencing at Section 185), Chapter 2 of Division 1 of, and to add Article 2 (commencing at Section 170) to Chapter 2 of Division 1 of, and to amend Sections 135 and 139 of, the Water Code, to amend Section 14033 of, and to repeal Sections 14034, 14035, and 14036 of, the Government Code, relating to the Water Resources Revolving Fund, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

Renumbering

SECTION 1. The title of Article 2 (commencing at Section 185) of Chapter 2 of Division 1 of the Water Code is renumbered to read:

Article 3. State Water Rights Board

SEC. 2. Article 2 (commencing at Section 170) is added to Chapter 2 of Division 1 of said code, to read:

Article 2. Water Resources Revolving Fund

Water Resources Revolving Fund

170. The Water Resources 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 Department of Water Resources, including but not limited to services, new construction, major

construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Department of Water Resources (or any predecessor), when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Department of Water Resources for the purposes for which appropriated, contributed, or made available without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code. The Department of Water Resources may withdraw from the fund for use in work for other public agencies, local, state or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in said fund in advance of the work being done

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 or 20752 of the Government Code or the charges imposed pursuant to Article 2 (commencing at Section 11270) or 3 (commencing at Section 11290) of Chapter 3, Part 1, Division 3, Title 2 of said code.

Claims

171. The Department of Water Resources shall file against the Water Resources Revolving Fund all claims covering expenditures incurred in connection with services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, and the State Controller shall draw his warrant therefor against that fund.

Record

172. The Department of Water Resources shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unused balance in any portion of the fund shall on approval by the Department of Finance be withdrawn from the revolving fund and transferred to the credit of the appropriation from which it was transferred or, as to funds from other than state appropriations, be paid out or refunded as provided in the agreement relating to the contributions.

Withdrawals

173. Without at the time furnishing vouchers and itemized statements, the Department of Water Resources may, with the approval of the Department of Finance, withdraw from the Water Resources Revolving Fund not exceeding three hundred thousand dollars ($300,000). The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary.

Refund

174. The director may authorize the refund of moneys received or collected by the department in payment of fees, licenses, permits, tolls or for rentals, property or services

wherein the license, permit, rental, property or service cannot lawfully be issued, furnished, or transferred to the person making the payment, or in cases where the payment in whole or in part represents overpayment or payment in duplicate.

SEC. 3. Section 14033 of the Government Code is amended to read

Withdrawals

14033. Without at the time furnishing vouchers and itemized statements, the department may, with the approval of the Department of Finance, withdraw from the Division of Architecture Revolving Fund not to exceed at any one time the sum of five hundred thousand dollars ($500,000). The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary.

Repeals

SEC. 4. Sections 14034, 14035, and 14036 of the Government Code are repealed.

SEC. 5. Section 135 of the Water Code is amended to read:

Water Resources Revolving Fund

135. The Water Resources 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 Department of Water Resources, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Department of Water Resources (or any predecessor), when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Department of Water Resources, for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code. The Department of Water Resources may withdraw from the fund for use in work for other public agencies, local, state, or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in said fund in advance of the work being done.

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 or 20752 of the Government Code or the charges imposed pursuant to Articles 2 (commencing at Section 11270) or 3 (commencing at Section 11290) of Chapter 3, Part 1, Division 3, Title 2 of said code.

SEC. 6. Section 139 of the Water Code is amended to read:

139. Without at the time furnishing vouchers and itemized statements, the Department of Water Resources may, with the approval of the Department of Finance, withdraw from the Water Resources Revolving Fund not exceeding three hundred thousand dollars ($300,000) at any one time. The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary. Withdrawals

SEC. 7. Sections 5 and 6 of this act become operative only if Assembly Bill No. 1969 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as said bill takes effect, at which time Sections 1 to 4, inclusive, of this act are repealed. Effect Stats 1957, Ch 1932

CHAPTER 2353

An act to amend Section 17708 of the Health and Safety Code, relating to hot plates.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 17708 of the Health and Safety Code is amended to read:

17708. This part does not prevent the installation, maintenance, or use of a hot plate in a room of any building which is occupied, or is ready for occupancy, on the effective date of this section, if: Authorized installations

(a) The hot plate will be, or is, used solely for the cooking or preparation of meals for consumption solely by not more than two occupants of the room.

(b) The hot plate contains not more than two burners or heating elements, and has been approved by an approved agency.

(c) The installation, maintenance, or use of a hot plate will not be, or is not, hazardous to life or property.

(d) The hot plate rests on its own legs, is set not closer than six inches from any wall or projection thereof, and rests on an impervious surface.

(e) The walls behind and adjacent to the hot plate are lined or backflashed with incombustible material equivalent to one-fourth-inch asbestos millboard; the backflashing extends from 12 inches below to 24 inches above the base of the hot plate; and there is 36 inches of clear and unobstructed space above the surface of the hot plate.

(f) The area of such room is not less than 120 square feet in superficial floor area.

(g) The room contains an approved sink with hot and cold running water.

(h) All plumbing in the room complies with Chapter 25 (commencing at Section 17450) of this part.

(i) An approved storage cabinet is installed in the room wherein all food, dishes, and cooking and eating utensils are stored when not in use.

(j) The bed, and any drapes, curtains, towels, or other readily combustible materials, in the room are located so that they do not come in contact with the hot plate.

(k) The room complies with the provisions of this part pertaining to window area, ventilation, ceiling height, and cubic air space.

(*l*) An approved method of heating is installed in or for the room and the hot plate is not used for the purpose of heating the room or installed within an unventilated area.

(m) Toilet and bath facilities are installed and maintained in the building as required by this part.

Such installations in a sleeping room shall not constitute a room in which food is stored or prepared for the purposes of Section 17509 of this code.

Any city or county may enact an ordinance to prohibit the installation, maintenance or use of a hot plate in any room.

CHAPTER 2354

An act to amend Section 25365 of the Government Code, relating to the granting, conveyance, quitclaiming, assignment or other transfer by a board of supervisors of county-owned real or personal property to public entities.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 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, convey, quitclaim, assign, or otherwise transfer 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 or personal 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 2355

An act to amend Section 706 of the Streets and Highways Code, relating to utilities in freeways.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 706 of the Streets and Highways Code is amended to read:

706. The department and any utility required to remove a utility facility or to relocate any utility facility may, by agreement, provide for the respective amounts of the cost to be borne by each. The department may, without prejudice to its rights under Section 707, advance the cost of removal or relocation and if the department advances such cost, it is the duty of the utility to move its facilities as soon as reasonably possible so as not to delay freeway construction. In the case of any utility which is not financially able to bear the costs of removal or relocation, the department may by agreement provide for the work to be done on condition that the utility's portion of the costs be repaid to the department over a period of time not exceeding 10 years.

Either party may maintain an action in a court of competent jurisdiction for an adjudication as to the obligations and costs to be borne by each party under such provisions of said contract at any time within four years after the cause of action first arose thereunder. Such a cause of action shall be deemed to arise upon and at the time of the completion by the utility of the removal or relocation in question, or at the time of breach of the agreement by either party. The filing of a claim with any state agency shall not be deemed a condition precedent to the maintenance by the utility of any such action.

CHAPTER 2356

An act to amend Section 707 of the Streets and Highways Code, relating to utilities in freeways.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 707 of the Streets and Highways Code is amended to read:

707. In the event of failure to reach an agreement as provided in Section 706, the utility or the department may bring an action in a court of competent jurisdiction for apportionment of the cost between them in accordance with the provisions of this article. Such an action may be commenced within

three years from the date of completion by the utility of the removal or relocation in question. The filing of a claim with any state agency shall not be deemed a condition precedent to the maintenance by the utility of any such action.

CHAPTER 2357

An act to amend Section 13026 of, and add Section 13025.5 to, the Health and Safety Code, relating to the standardization of threaded fittings of fire protection equipment and to provide an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13025.5 is added to the Health and Safety Code, to read:

Threaded hose fittings Temporary use

13025.5. Notwithstanding the provisions of Section 13025 of this code, equipment for fire protective purposes which is equipped with one-and-one-half-inch (1½-inch) threaded hose fittings may, for a period of five years after the effective date of this section, be used by authorities having charge of public property and may be used by public fire protection agencies. After the expiration of that period all equipment used must conform to the requirements of Section 13025 of this code.

SEC. 2. Section 13026 of said code is amended to read:

Standardization Tools, etc

13026. The State Fire Marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment throughout this State. The State Fire Marshal shall procure and make available to fire departments of governmental agencies such rethreading equipment and tools as are necessary to convert one-and-one-half-inch (1½-inch) threaded fittings to the National Standard thread.

Appropriation

SEC. 3. The sum of ten thousand dollars ($10,000) is hereby appropriated from the General Fund to be expended by the State Fire Marshal during the 1957-58 and the 1958-59 Fiscal Years to carry out the intent and purpose of Section 13026 of the Health and Safety Code, of which amount six thousand dollars ($6,000) is appropriated in augmentation of Item 136 of the Budget Act of 1957 and four thousand dollars ($4,000) is appropriated in augmentation of any support appropriation for the State Fire Marshal in the Budget Act of 1958.

CHAPTER 2358

An act to amend Sections 23985, 24013 and 24203, and to repeal Section 24015 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 23985 of the Business and Professions Code is amended to read:

23985. Within five days after filing an application to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence shall be posted in a conspicuous place at the entrance to the premises. The applicant shall notify the department of the date when such notice is first posted. No license shall be issued for the premises until the notice has been so posted for at least 30 consecutive days. The notice shall be in such form as the department shall prescribe. Notice

Notice of the application for a license pursuant to Section 24044 shall be posted at the proposed premises within five days after the application is filed and shall remain so posted for at least 30 consecutive days. The applicant shall notify the department of the date when such notice is first posted.

SEC. 2. Section 24013 of said code is amended to read:

24013. Protests may be filed at any office of the department at any time within 30 days from the first date of posting the notice of intention to engage in the sale of alcoholic beverages at such premises. Protests

SEC. 3. Section 24203 of said 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 hearing of the accusation, the public hearing shall be held within 20 days after the filing of the accusation with the department. Accusations

SEC. 4. Section 24015 of said code is repealed. Repeal

CHAPTER 2359

An act to amend Section 11260 of the Water Code, relating to the Central Valley Project and more particularly to the Upper Feather River Service Area features of the Feather River Project.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11260 of the Water Code is amended to read:

Construction, etc., of units and features

11260. The units set forth in publication of the State Water Resources Board entitled "Report on Feasibility of Feather River Project and Sacramento-San Joaquin Delta Diversion Projects Proposed as Features of the California Water Plan," dated May, 1951, as modified in the publication of the Division of Water Resources entitled "Program for Financing and Constructing the Feather River Project as the Initial Unit of the California Water Plan," dated February, 1955, and including the upstream features set forth in Chapter VI of the 1955 report, except the features on the south fork of the Feather River, subject to such further modifications thereof as the Department of Water Resources may adopt, and such units or portions thereof may be constructed by the department and maintained and operated by it to such extent and for such period as the department may determine, as units of the Central Valley Project separate and apart from any or all other units thereof.

SEC. 2. Section 11260 of the Water Code is amended to read:

11260. The units set forth in publication of the State Water Resources Board entitled "Report on Feasibility of Feather River Project and Sacramento-San Joaquin Delta Diversion Projects Proposed as Features of the California Water Plan," dated May, 1951, as modified in the publication of the Division of Water Resources entitled "Program for Financing and Constructing the Feather River Project as the Initial Unit of the California Water Plan," dated February, 1955, and including the upstream features set forth in Chapter VI of the 1955 report, except the features on the south fork of the Feather River, subject to such further modifications thereof as the department may adopt, and such units or portions thereof may be constructed by the department and maintained and operated by it to such extent and for such period as the department may determine, as units of the Central Valley Project separate and apart from any or all other units thereof.

Effect Stats. 1957, Ch. 1932

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 1969 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as said act takes effect, at which time Section 1 of this act is repealed.

CHAPTER 2360

An act making an appropriation for the completion of James W. Marshall Museum.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The sum of seventy-five thousand dollars ($75,000), or so much thereof as may be necessary is hereby appropriated from the State Park Fund to the Division of Beaches and Parks, Department of Natural Resources, of which amount fifty thousand dollars ($50,000) is for expenditure to complete the second unit of the James W. Marshall Museum at the Gold Discovery Park in El Dorado County and twenty-five thousand dollars ($25,000) is for expenditure for the construction of exhibits at the museum

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CHAPTER 2361

An act to amend Section 103.4 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 103.4 of the Welfare and Institutions Code is amended to read:

103.4. For the purposes of the provisions of this code relating to public assistance, including but not limited to aid to the aged, aid to needy children, aid to needy disabled, aid to needy blind, and aid to partially self-supporting blind residents, the continued absence of a recipient of public assistance from this State for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this State. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons for purposes of this chapter. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this State, his aid shall be terminated immediately.

If a recipient of aid under Chapter 1 of Division 3 of the code is prevented by illness or other good cause from returning to this State at the end of one year, and has not by act or intent, established residence elsewhere, he shall not be deemed to have lost his residence in this State.

CHAPTER 2362

An act to amend Section 504 of, and to add Section 509.5, Division 5.7 (commencing at Section 5801) to, and to repeal Chapter 8 (commencing at Section 6475) of Part 1, Division 6 of the Public Resources Code, relating to small craft harbors, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 504 of the Public Resources Code is amended to read:

Divisions of responsibility

504. The work of the department shall be divided into at least six divisions, known as the Division of Forestry, the Division of Parks, the Division of Mines, the Division of Oil and Gas, Division of Soil Conservation, and the Division of Small Craft Harbors.

SEC. 2. Section 509.5 is added to said code, to read:

Division of Small Craft Harbors

509.5. The Division of Small Craft Harbors shall be administered by a chief appointed by the Small Craft Harbors Commission with the advice of the Director of Natural Resources.

SEC. 3. Division 5.7 (commencing at Section 5801) is added to said code, to read:

DIVISION 5.7. SMALL CRAFT HARBORS

CHAPTER 1. GENERAL PROVISIONS

Short title

5801. This division shall be known and may be cited as the Small Craft Harbors Law.

Construction

5802. Unless the context otherwise requires, the general provisions set forth in this chapter govern the construction of this division.

Definition

5803. "Commission" means the Small Craft Harbors Commission.

5804. "Division" means the Division of Small Craft Harbors.

5805. "Harbor" means a portion of the ocean or inland waters within the jurisdiction of this State either naturally or artificially protected so as to be a place of safety for vessels, including the artificially protective works, the public lands ashore and the structures and facilities provided within the enclosed body of water and ashore for the mooring and servicing of vessels and the servicing of their crews and passengers.

5806. "Channel" means any waterway now navigable in fact by vessels or artificially improved or created so as to be navigable by vessels, including the structures and facilities created to facilitate navigation.

5807. "Navigable waters" means waters which come under the jurisdiction of the United States Corps of Engineers and

any other waters within the State with the exception of those privately owned.

Powers, etc

5808. The Division of Small Craft Harbors and the Small Craft Harbors Commission are the successors to, and are vested with all the powers, functions, and jurisdiction of the State Lands Commission with respect to the acquisition, construction, development, improvement, maintenance, and operation of small craft harbors, pursuant to this division. Whenever, by any statute now in force or that may be hereafter enacted, such a power, function, or jurisdiction is imposed or conferred upon the State Lands Commission, such power, function, or jurisdiction shall be deemed to be imposed or conferred upon the Division of Small Craft Harbors and the Small Craft Harbors Commission pursuant to this division. Nothing in this section or in this division shall divest the State Lands Commission of jurisdiction with respect to the leasing of state lands, including state lands used for small craft harbors under this division, for the extraction and removal of oil and gas and other minerals.

Rules

5809. The adoption, repeal, amendment or modification of any rules and regulations pursuant to this division shall be made in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code.

Chapter 2. Division of Small Craft Harbors

Administration

5821. The Division of Small Craft Harbors shall be administered by the chief of the division under the supervision and direction of the Director of Natural Resources, in accordance with general policies established by the Small Craft Harbors Commission.

Delegation of authority

5822. The Director of Natural Resources may authorize the chief of the division to exercise his power to appoint employees of the division in accordance with the State Civil Service Act. The director may authorize the chief of the division or any employee of the division to exercise any power granted or perform any duty imposed upon the director by the State Civil Service Act.

Projects

5822.1. Any construction or development authorized by this division of this code which also constitutes a project within the definition of Section 14254 of the Government Code shall when performed by the State be subject to the provisions of the State Contract Act, except that references therein to Department of Public Works shall mean Department of Water Resources.

Acquisition construction, etc

5823. The division may prepare plans for, and acquire, construct, develop and improve, small craft harbors, facilities in connection therewith, and connecting waterways. Any small craft harbor so acquired or developed shall be transferred, and its operation relinquished, to a county, city, or any district

having power to operate a small craft harbor, in which any part of it is located, upon the request of such city, county, or district, if such city, county, or district enters into an agreement with the division for repayment to the State of all costs incurred by the division in acquiring and developing such small craft harbor, including planning costs. The city, county, or district shall be required by the division to repay such costs by means of deferred payments, such payments to be made in such amounts and at such times as may be provided by the agreement.

Maintenance and operation

5824. In the event that the division acquires, constructs, develops, or improves a small craft harbor pursuant to Section 5823, but receives no request for transfer of its operation to a city, county, or district willing and able to meet the requisite conditions for such a transfer, the division may maintain and operate the harbor.

Same Power to contract

5825. The division may contract with any other state agency, or a city, county, or district, in the planning, construction, development and improvement of small craft harbors pursuant to this chapter, or for the maintenance and operation of any small craft harbors under the jurisdiction of the division.

Concessions

5826. The division may provide for the granting of concessions within the boundaries of harbors under the jurisdiction of the division in order to furnish the public with fuel, oil, food, and other facilities, and may grant easements, rights of way, and permits with respect to such harbors.

Protection, etc.

5826 5. The division shall protect such small craft harbors under its jurisdiction from damage and preserve the peace therein. The chief of the division and such employees of the division as he may designate have the full authority and powers of peace officers for such harbors. The division may adopt such rules and regulations as may be necessary for the purposes of this section. A violation of such rules or regulations is a misdemeanor.

Loans

5827. The division may make loans to cities, counties, or districts having power to acquire, construct, and operate small craft harbors, for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection therewith, and connecting waterways, if the division finds that the project is feasible. The commission shall establish, by rules and regulations, policies and standards to be followed in making loans pursuant to this section so as to further the proper development and maintenance of a state-wide system of small craft harbors and connecting waterways. Any such loan shall be repaid as provided in Section 5823.

Prohibited transactions

5828. A transfer pursuant to Section 5823 or a loan pursuant to Section 5827 shall not be made to a city, county, or district if it would provide for an indebtedness or liability contrary to the provisions of Section 18 of Article XI of the

Constitution unless, at an election called by the governing body of the city, county, or district two-thirds of the qualified electors thereof voting thereat have authorized the governing body to accept, expend, and repay the amount of the indebtedness or liability under this chapter; nor shall such transfer or loan be made if written protest thereto signed by owners of one-half or more of the assessed valuation of taxable property in said city, county, or district is received by the governing body of such city, county, or district. Such election shall be held in accordance with provisions of law for the incurring of bonded indebtedness by the city, county, or district, as near as the same may be applicable. Except as may be prohibited by this section, a transfer pursuant to Section 5823 or a loan pursuant to Section 5827 may be made to a city, county, or district and it may accept such a transfer or loan, notwithstanding any other provision of law limiting or prohibiting the creation of any indebtedness on the part of the city, county, or district.

Power to contract

5829. The division may enter into any contracts or agreements that may be necessary in carrying out the provisions of this division including agreements to hold and save the United States free from damages due to the construction and maintenance by the United States of such works as the United States shall undertake.

Representation

5830. The division shall represent the State of California and the Governor of California in relationships with the Chief of Engineers, United States Army, and his authorized agents for the purposes set forth in this division.

Facilities to be open

5831. Facilities in harbors and connecting waterways established under the provisions of this division shall be open to all on equal and reasonable terms.

Finances

5832. The division may recommend to the Director of Natural Resources for transmission to the Legislature such action as may be necessary to provide the finances required of local agencies as a condition for the participation of the United States in any project in which the division may act.

5833. The division may enter into agreements with the United States and with any county, city, district, or other political subdivision of this State in connection with participation with the United States in any project in which the division may act and may, also, provide such adjustments which, in the judgment of the division, are in the best interest of the State of California.

5834. The division may enter into any contract of agreement with the United States Department of the Army or any other agency of instrumentality of the United States, for the dredging of harbors and the erection of breakwaters, piers, or any other devise for the protection of vessels.

Power to contract

5835. The division may do any act or enter into any contract or agreement desirable in carrying out the purposes of this division.

Federal assistance

5836. The division may take such action as may be necessary to take advantage of any act of Congress heretofore or hereafter enacted which may be of assistance in carrying out the purposes of this division.

Reports

5837. On or before the fifteenth day of January of each year in which a general session of the Legislature is held, the chief of the division shall make a report to the Director of Natural Resources for transmission to the Legislature and to the Governor covering the operations of the division for the preceding biennial. The division shall also make such special reports as are requested by the Director of Natural Resources or the Governor.

Gifts, etc

5838. For the purposes of this division, the division may receive and accept for the State any gift, device, grant or other conveyance of title to or any interest in real property. It may receive and accept gifts, donations, contributions, or bequests of money to be used in acquiring title to or any interest in real property or in improving it, in connection with the development and operation of small craft harbors and connecting waterways. It may also receive and accept personal property for such purposes.

Transfer, etc., of personal property

5839. The division, with the approval of the Department of Finance, may transfer, sell or otherwise dispose of personal property under its jurisdiction, and may contract with other public agencies for its custody.

CHAPTER 3. SMALL CRAFT HARBORS COMMISSION

Small Craft Harbors Commission

5851. There is in the Department of Natural Resources a Small Craft Harbors Commission.

Composition

5852. The commission shall be composed of five members appointed by the Governor, with the advice and consent of the Senate.

Terms of office

5853. The terms of the members of the commission first appointed under this division shall expire as follows: one member January 15, 1959, two members January 15, 1960, two members January 15, 1961. Thereafter, appointments shall be for a four-year term. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

Compensation, expenses

5854. No member of the commission shall receive any salary for his services as a commissioner, but may be reimbursed for actual and necessary expenses incurred in performance of official duties.

Removal

5855. The members of the commission may be removed from office by the Governor for inefficiency, neglect of duty, misuse of office, or misfeasance in office, in the manner provided by law for the removal of other public officers for like causes.

Officers

5856. The commission shall, immediately upon its appointment, organize and elect from its members a chairman and a

vice chairman who shall serve for one year or until their successors are elected and qualified. Annually thereafter the commission shall elect a chairman and a vice chairman.

Seal

5857. The commission shall adopt a seal.

Quorum

5858. No action shall be taken by the commission by less than a majority of its members

Equipment

5859. The Department of Finance shall furnish suitable offices and equipment for the use of the commission.

Secretary

5860. The chief of the division shall act as the secretary of the commission.

General policies

5861. The commission shall establish general policies for the guidance of the division in the planning, acquisition, construction, development, improvement, maintenance and operation of small craft harbors under the jurisdiction of the division, the transfer of harbors to local agencies, and the making of loans to local agencies, pursuant to this division, and for that purpose may adopt such rules and regulations as may be necessary to carry out the provisions of this division.

Rules

Studies, etc

5862. The commission shall cause studies and surveys to be made of the need for small craft harbors and connecting waterways throughout the State and the most suitable sites therefor.

CHAPTER 4. SMALL CRAFT HARBOR REVOLVING FUND

Small Craft Harbor Revolving Fund

5881. All moneys received by the division, including any moneys received by the division from the purchase or condemnation by any other person or agency of any property acquired by the division for the purposes of this division, shall be deposited in the State Treasury and credited to the Small Craft Harbor Revolving Fund, which fund is continued in existence.

Appropriation, limitations on use

5882. All moneys in the Small Craft Harbor Revolving Fund are hereby continuously appropriated to the Department of Natural Resources for the support of the Department of Natural Resources, the Division of Small Craft Harbors, and the Small Craft Harbors Commission for the purposes of this division, including refunds No money shall be expended from such fund for the acquisition of real property for and the construction and development of small craft harbors or for loans to cities, counties, and districts pursuant to this division, except loans to such local agencies for planning purposes only, unless a specific appropriation is made therefor by the Legislature.

Repeal

SEC. 4. Chapter 8 (commencing at Section 6475) of Part 1 of Division 6 of said code is repealed.

Civil service

SEC. 5. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Division of Small Craft Harbors or to the Small Craft Harbors Commission or engaged in the administration of a law, the administration of which is transferred to the division or to the commission, shall remain

in the state civil service and are hereby transferred to the Division of Small Craft Harbors on the effective date of this act. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position which is exempt from civil service.

Public property

All public property, real or personal, of any state agency or officer used principally or primarily in carrying out any of the functions, or acquired in connection with the exercise of any function, which function is transferred to the Division of Small Craft Harbors or to the Small Craft Harbors Commission is transferred to the division.

CHAPTER 2363

An act to amend Sections 34302.6 and 34325.1 of, and to add Section 34307.1 to, the Government Code, relating to cities.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 34302.6 of the Government 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. 2. Section 34307.1 is added to said code, to read:

Failure of petition

34307.1. If the report shows that the petition is not signed by the requisite number of qualified signers, no further action may be taken under the proposal for incorporation, and no other notice of intention to circulate a petition for incorporation of the same or substantially the same area shall be filed for a period of two years from the date of filing of the notice of intention.

SEC. 3. Section 34325.1 of said code is amended to read:

Defeat of measure

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 two years after the date of the election

CHAPTER 2364

An act to amend Section 740 of the Welfare and Institutions Code, relating to commitment of minors to the Youth Authority.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 740 of the Welfare and Institutions Code is amended to read:

Commitment of juvenile court wards

740. When any person alleged to come within the provisions of Section 700 is adjudged by the court or judge to come within the said provisions, and adjudged to be a ward of the juvenile court, the court may make an order committing such person for such time as the court deems fit, but not beyond the time during which the court retains jurisdiction as prescribed by the provisions of Section 750 of this code, to the care of any of the following persons, associations, corporations, or institutions, as herein prescribed:

(a) To the home and care of some reputable person of good moral character.

(b) To the care of some association, society, or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, and willing and able to receive and care for such ward.

(c) To the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of the ward until suitable provision may be made for him in a home without such payment, the ward to be subject to the supervision of the probation officer and the further order of the court; but no ward of the juvenile court under the age of 16 years shall be boarded out in any boarding place other than a boarding place licensed by the Department of Social Welfare.

(d) To the care of the probation officer, on probation, the ward to remain in the home of the ward, or in any other fit home in which the court may order the probation officer to place him, subject to the visitation of the probation officer, to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable. In all cases of probation the court may require as a condition of probation that the ward go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and

proper to the end that justice may be done and 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 specifically for the reformation and rehabilitation of the ward.

Youth Authority

(e) To the Youth Authority.

(1) The Youth Authority shall accept a person committed to it pursuant to this section if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care. No such person shall be transported to any facility under the jurisdiction of the Youth Authority, until the director thereof has notified the committing court of the place to which said person is to be transported and the time at which he can be received.

(2) The Youth Authority shall also accept a person committed to it pursuant to this section, provided that the Director of the Youth Authority certifies that staff and institutions are available, (a) if he is a borderline psychiatric or borderline mentally deficient case, (b) if he is a sex deviate, unless he is of a type whose presence in the community, under parole supervision, would present a menace to the public welfare, or (c) if he suffers from a primary behavior disorder. No such person shall be transported to any facility under the jurisdiction of the Youth Authority, until the director thereof has notified the committing court of the place to which such person is to be transported and the time at which he can be received. To implement the administration of this paragraph, the Director of the Youth Authority and the Director of Mental Hygiene shall, at least annually, confer and establish policy with respect to the types of cases which should be the responsibility of each department.

Detention home

(f) To the detention home or if said ward is of the age of 18 years or over and the court finds it necessary and advisable to the county jail.

Institutions

(g) To any other state or county institution now or hereafter established for the purpose of caring for and training persons that come within the provisions of this chapter.

Before any such person is conveyed to any such institution it shall be ascertained from the superintendent thereof that such person can be received.

Mental illness

Whenever the court, after hearing, is of the opinion that any person alleged or adjudged to come within the provisions of Section 700 or 701 of this code is mentally ill or if the court is in doubt concerning the mental health of any such person, the court may order that such person be held temporarily in the psychopathic ward of the county hospital for observation and recommendation concerning the future care, supervision and treatment of such person.

Temporary restraint

Whenever a person has been adjudged a ward of the juvenile court and has been committed or otherwise disposed of as provided in this chapter for the care of wards of the juvenile court,

the court may order that said ward be detained in the detention home, or if said ward is of the age of 18 years or more, in the county jail, or otherwise, as to the court seems fit, until the execution of the order of commitment or of other disposition.

CHAPTER 2365

An act to amend Sections 3084, 3084.1, 3472, and 3472.1 of the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3084 of the Welfare and Institutions Code is amended to read:

3084. (a) The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, ninety-nine dollars ($99) per month. If, however, in any case it is found the actual need of an applicant exceeds ninety-nine dollars ($99) per month such applicant shall be entitled to receive aid in an amount not to exceed ninety-nine dollars ($99) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need. Aid Amount

(b) Any recipient who pursuant to this section receives less than one hundred ten dollars ($110) per month from the total of his grant and income from all other sources shall be granted an additional amount of aid not to exceed eleven dollars ($11) per month or so much thereof as is necessary to bring the sum of his grant and income to one hundred ten dollars ($110) per month.

The aid granted under this chapter shall be paid monthly, in advance, out of such funds as may be designated by the board of supervisors on warrant of the county auditor of the county. Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in any event the beginning of aid shall not antedate the date of application. Payment

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances. Delay

SEC. 2. Section 3084.1 of said code is amended to read:

3084.1. If, when, and during such times as the United States Government increases or decreases its contributions in Increase or decrease in federal contributions

assistance of the needy blind in this State above or below the amount payable on November 1, 1956, the amount of the grant of aid provided in this chapter shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the total aid granted to any needy blind person under this chapter be more than one hundred ten dollars ($110) nor less than ninety-nine dollars ($99) per month.

Legislative intent

It is the intent of the Legislature that should the Federal Government require that any increase in assistance to the blind in this State granted by it after November 1, 1956, be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs

SEC. 3. Section 3472 of said code is amended to read:

Order for aid Amount

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.

(a) The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, ninety-nine dollars ($99) per month. If, however, in any case it is found the actual need of an applicant exceeds ninety-nine dollars ($99) per month such applicant shall be entitled to receive aid in an amount not to exceed ninety-nine dollars ($99) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

(b) Any recipient who pursuant to this section receives less than one hundred ten dollars ($110) per month from the total of his grant and income from all other sources shall be granted an additional amount of aid not to exceed eleven dollars ($11) per month or so much thereof as is necessary to bring the sum of his grant and income to one hundred ten dollars ($110) 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.

SEC. 4. Section 3472.1 of said code is amended to read:

3472.1. If, when, and during such times as the amount of the grant of aid to the needy blind provided by Chapter 1 of this part is increased or decreased, pursuant to Section 3084.1, the amount of the grant of aid to partially self-supporting blind residents provided by this chapter shall be increased or decreased by an amount equal to such increase or decrease in the grant of aid to needy blind persons, but in no event shall the total aid granted under this chapter to any recipient be more than one hundred ten dollars ($110) nor less than ninety-nine dollars ($99) per month. Increase or decrease in aid

It is the intent of the Legislature that should the Federal Government require that any increase in assistance to the needy blind in this State granted by it after November 1, 1956, be considered necessary to meet medical or health needs of the applicant or recipient, an increase in aid to the partially self-supporting blind resulting therefrom shall be considered necessary to meet the medical or health needs of applicants or recipients. Legislative intent

SEC. 5. The State Social Welfare Board in establishing the revised standard of assistance required by the increase provided by this act shall increase the amount of the existing basic allowances. Basic allowances

SEC. 6. This act shall become operative October 1, 1957. Operative date

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CHAPTER 2366

An act to add Section 21025.2 to the Government Code, relating to retirement of members of the State Employees' Retirement System for disability.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 21025.2 is added to the Government Code, to read:

21025.2. Notwithstanding any other provision of this article, the retirement of a member who has been granted or is entitled to sick leave or who is entitled to compensating time off for overtime, shall not become effective until the expiration of such sick leave with compensation and the expiration of such compensating time off with compensation, unless the member applies for or consents to his retirement as of an earlier date. Sick leave shall be subject to the regular requirements of law and rules governing the use of sick leave.

CHAPTER 2367

An act to amend Section 6816 of the Public Resources Code, relating to the disposition of moneys credited to the State Lands Act Fund, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6816 of the Public Resources Code is amended to read:

6816. All moneys and remittances received by the State pursuant to this chapter, except rents, bonuses, royalties and profits accruing from the use of state school land, shall, with the exception of the amount which is appropriated by Section 898 of the Military and Veterans Code to the Veterans' Dependents' Education Fund, be deposited in the State Treasury to the credit of the State Lands Act Fund, which fund is continued in existence. In addition thereto, such other moneys shall be deposited in such fund as may be provided by law. The moneys in the fund are hereby appropriated as follows:

(a) For the payment of refunds, as authorized by the commission and approved by the State Board of Control.

(b) The remainder of the moneys shall be used by the commission, with the approval of the Director of Finance and the consent of the Governor, to carry out the provisions of this chapter, including the acquisition of real property or interests therein, the purchase of materials and supplies, and the conducting of operations by the State as provided herein, the payment by the State of such sums as may be provided pursuant to agreements or contracts authorized herein, and the payments of the necessary expenses of the commission.

(c) Upon order of the Controller, the remaining balance shall be transferred as follows:

1. Twenty-three and one-third percent to the State Beach Fund and 46⅔ percent to the State Park Fund; provided, that the total aggregate amount transferred to both of said funds in any one fiscal year beginning after June 30, 1956, shall not exceed twelve million dollars ($12,000,000).

2. The remainder to the General Fund; provided, that any amounts transferred to the General Fund in excess of three

million dollars ($3,000,000) during any fiscal year beginning after June 30, 1956, shall be set aside and transferred to the Investment Fund, and shall be available for expenditure only when appropriated by the Legislature.

CHAPTER 2368

An act to amend Section 445.1 of the Vehicle Code, relating to driver training schools.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 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:

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).

(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 2369

An act to add Section 1281 to the Agricultural Code, relating to edible nuts.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1281 is added to the Agricultural Code, to read:

1281. Every person who purchases English walnuts or almonds for coin or currency for purposes of processing or resale other than at retail shall keep a record of the name and address of the person from whom each lot of such walnuts or almonds was purchased. When such walnuts or almonds are delivered to the purchaser by motor vehicle, the purchaser shall record either the license number of the vehicle or the driver's license number of the person making delivery of each lot of such nuts.

The record and statement required to be made by this section shall be kept for one year from the date of purchase or delivery, whichever is later, and shall be made available for inspection upon request by any peace officer.

Violation of this section is a misdemeanor.

It shall be the duty of the commissioner of each county, under the supervision of the director, to enforce the provisions of this section insofar as they relate to the keeping of the records required herein.

CHAPTER 2370

An act to amend Sections 31520.1, 31523, and 31720.5 of the Government Code, relating to county retirement systems.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 31520.1 of the Government Code is amended to read:

Board of retirement Members

31520.1. In any county subject to the provisions of Articles 6.8 and 7.5, the board of retirement shall consist of seven members and one alternate, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth and sixth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor, and shall be appointed by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The alternate member shall be that candidate, if any for seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no alternate member. The first persons chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh, and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later. Thereafter the terms of office of the six elected members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event the seventh member is absent from a board meeting for any cause.

SEC. 2. Section 31523 of the Government Code is amended to read:

Vacancy

31523. If a vacancy on the board occurs for any cause or on the expiration of the term of office of any member, a successor shall be chosen in the same manner as was his predecessor, except that if an election to fill a vacancy for the second, third or seventh member has been called and only one member has been duly nominated in accordance with the rules established for the holding of such election, the board of supervisors shall order that no election be held and shall direct the

clerk to cast a unanimous ballot in favor of such nominated member.

SEC. 3. Section 31720.5 of the Government Code is amended to read:

Heart ailments of safety member

31720.5. If a safety member who has completed five years or more of service under a pension system established pursuant to Chapter 4 or under a pension system established pursuant to Chapter 5 or both or under this retirement system and develops heart trouble, it shall be presumed in any proceeding under this chapter, by the board and the court in the absence of evidence to the contrary, that such heart trouble is an injury or disease occurring in and arising out of his employment. Should any such member die from a heart ailment after five years or more of service, he must be in the service of the county or district or on leave of absence on account of illness at the time of his death in order to receive the benefit of this section.

CHAPTER 2371

An act to amend Section 31007 of the Government Code, relating to retirement of county employees.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 31007 of the Government Code is amended to read:

31007. This article does not require or authorize the employment of any person in a particular county employment who has reached the compulsory retirement age prescribed by a county employees' retirement system for that particular employment whether such person is a member of such county employees' retirement system or not.

CHAPTER 2372

An act to provide for the acquisition of a monument honoring former Governors of this State, and the erection thereof on the Capitol grounds.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Finance shall enter into an agreement with a competent artist for the preparation of a suitable monument honoring the former Governors of this State, and shall provide for the erection of the monument on the Capitol grounds.

CHAPTER 2373

An act to amend Section 821 of the Penal Code, relating to admission to bail upon arrest for felony.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 821 of the Penal Code is amended to read:

821. If the offense charged is a felony, the officer making the arrest must take the defendant before the magistrate who issued the warrant, or some other magistrate of the same county, as provided in Section 824.

If the defendant is arrested in another county, the officer must, upon being required by the defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the endorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail If bail be forthwith given, the magistrate shall take the same and endorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the warrant on which the defendant is arrested in another county does not have bail set thereon, or if the defendant arrested in another county does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

CHAPTER 2374

An act to add Chapter 4.6, comprising Sections 20590 to 20595, inclusive, to Part 3 of Division 5 of Title 2 of the Government Code, to amend Section 20303 thereof, to repeal Sections 20331 and 20651 thereof, and to add a new Section 20750.12 thereto, relating to the inclusion of certain officers and employees of the University of California in the State Employees' Retirement System.

[Approved by Governor July 10, 1957 Filed with Secretary of State July 16, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.6 is added to Part 3 of Division 5 of Title 2 of the Government Code, to read:

CHAPTER 4.6. OFFICERS AND ACADEMIC EMPLOYEES OF THE UNIVERSITY

Persons included in system

20590. (a) Each person who is a member of the university Pension and Retiring Annuities System on the day preceding the date upon which this chapter becomes operative, shall be included in this system as a member thereof on such operative date.

Each person so included in this system shall be considered for all purposes as having become a member of this system on August 27, 1937, if he was then employed by the university, or on such later date as he would have become a member of this system if he had not been excluded from this system by Section 20331 or 20332 as those sections read immediately prior to the date this section becomes operative, or by the provisions of the former State Employees' Retirement Act codified in those sections (unless he has been a member continuously from an earlier date), except that no contributions are required to be paid by such persons or by the university in respect to them for time after August 27, 1937, and prior to the operative date of this chapter, during which they were subject to or participated in the pension system or the Retiring Annuities System or the Pension and Retiring Annuities System of the university, or any combination of them, other than the amounts required to be transferred or paid by the university to this system pursuant to Sections 20592 and 20593.

(b) Persons included in this system by this section shall not be subject to exclusion from this system under Section 20334.

(c) Time prior to the operative date of this chapter, which would not be creditable as service hereunder except for the provisions of this subsection, shall be credited to persons so included in this system if such time was credited under the Pension and Retiring Annuities System of the university and the amount of such credit hereunder shall be equal to that which was credited under that system of the university, except that not more than one year of credit shall be given to any such person for any one fiscal year.

Termination of old system

20591. The university shall discontinue its Pension and Retiring Annuities System on the operative date of this chapter with respect to all persons and no other pensions or retirement benefits of any kind shall be provided for employees of the university for payment after they cease to be employed by the university, except benefits provided for in this part.

Continuation of existing payments

Payments being made to pensioners or annuitants by the Pension and Retiring Annuities System of the university on the operative date of this chapter, and in addition payments to retired employees of the university who retired prior to July 1, 1954, and their beneficiaries, shall be continued and paid by this system at their rates existing on such operative date.

Prior contributions

20592. The university shall certify to the board the aggregate amount of all contributions (together with interest up to

the operative date of this chapter, which has been credited thereon) made prior to such operative date by each person so included in this system to the pension system or the Retiring Annuities System or the Pension and Retiring Annuities System of the university. Each of such amounts shall be credited to the respective individual accounts of such persons and they shall be considered to be, and administered as if made during membership in this system.

Transfer of assets

20593. The university shall transfer to this system as of the operative date of this chapter, all assets held by the Pension and Retiring Annuities System of the university. Assets so received by this system in excess of amounts certified pursuant to Section 20592 shall be considered to be, administered as, and credited as state contributions made by the State.

20594. The amounts and assets required to be transferred or paid by the university to this system under Sections 20592 and 20593 shall be transferred or paid in cash, except that they may be transferred or paid in securities, at a value which shall be determined as of the operative date of this chapter by the board, if the securities meet the requirements of the board for the investment of retirement funds. A portion of the total amounts and assets so transferred or paid shall be taken and considered, and so entered in this system's accounts, as interest earned on the balance of said total from the operative date of this chapter to the date or dates of transfer or payment. The ratio of said portion to said balance shall equal the rate at which interest was earned during the year ended on the June 30th just preceding the operative date of this chapter, under the retirement fund, on accumulated contributions in said fund, as shown by the accounts of this system, taking into account net interest credited to all such accumulated contributions and all earnings on securities owned by said fund during that year. Regular interest shall be credited in the accounts of this system on said balance from and including the operative date of this chapter. Interest accrued on such securities to the date of transfer shall be included in the value so determined.

Legislative intent

20595. It is the intention of the Legislature in enacting this chapter that the officers and employees of the university included within the State Employees' Retirement System by Section 20590, shall be university members of the system with the same rights and status as if they had been brought within the field of membership by Chapter 806 of the Statutes of 1937, which included other employees of the university within the system, and that, except as provided in subdivision (c) of Section 20590, they shall be entitled to credit for prior service and for current service, and shall be otherwise subject to this part in all respects in the same manner and to the same extent as if Chapter 806 of the Statutes of 1937 had provided for their inclusion within the system; provided, however, that no person who becomes a member of this system pursuant to subdivision (a) of Section 20590 or who would have been

included in the Pension and Retiring Annuities System of the university, pursuant to Chapter XIII of the Standing Orders of the Regents as said chapter reads on the operative date of this chapter, but for the provisions of Section 20591, shall receive a service retirement allowance in excess of eighty percent (80%) of final compensation. Where, except for this proviso, his service retirement allowance would exceed eighty percent (80%) of final compensation, an appropriate refund shall be made of his own payments and interest thereon at the time of retirement.

SEC. 2. Section 20303 of said code is amended to read:

Other employees

20303. Every other employee becomes a member on the first day of the calendar month next following the completion of six months, uninterrupted by a break of more than one month, of employment by the State, by the university, or by a contracting agency; provided, that absence for military service shall not be considered a break for the purpose of this section.

Repeals

SEC. 3. Section 20331 of said code is repealed.

SEC. 4. Section 20651 of said code is repealed.

SEC. 5. Section 20750.12 is added to said code, to read:

State contribution

20750.12. The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to five-hundredths (0.05) of 1 percent of the compensation paid state miscellaneous members.

Effect and operative date

SEC. 6. This act shall not become operative unless the Board of Regents of the University of California by a vote of at least a majority of the members of that board accepts its provisions and undertakes to discharge all obligations imposed upon the University of California by it, in which event it shall become operative on the first day of July following such action by the Board of Regents, but in no event after July 1, 1959.

CHAPTER 2375

An act to add Sections 6499.5 and 6499.6, to the Public Resources Code, relating to loans to cities, counties, and districts, for the planning of small craft harbors, making an appropriation, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6499.5 is added to the Public Resources Code, to read:

Loans Small boat harbors

6499.5. The commission may make loans to cities, counties, or districts having power to acquire, construct, and operate small craft harbors, for the planning of small craft harbors

and facilities in connection therewith, and connecting waterways, if the commission finds that the project is feasible. The county, city, or district shall repay to the State the amount loaned by means of deferred payments, such payments to be made in such amounts and at such times as is specified by the commission at the time the loan is made but in any event providing full repayment within 10 years, such repayment to include a charge fixed by the Pooled Money Investment Board in an amount estimated by it to equal the revenue which the State would have derived by investing the total deferred payment at the interest rate prevailing for legal state investments. The commission may establish, by rules and regulations, policies and standards to be followed in making loans pursuant to this section so as to further the proper development of a state-wide system of small craft harbors and connecting waterways.

SEC. 2. Section 6499.6 is added to said code, to read:

Prohibited loans

6499.6. A loan pursuant to Section 6499.5 shall not be made to a county or city if it would provide for an indebtedness or liability contrary to the provisions of Section 18 of Article XI of the Constitution unless, at an election called by the governing body of the county or city two-thirds of the qualified electors of the county or city voting thereat have authorized the governing body to accept, expend, and repay the amount of the loan pursuant to Section 6499.5. Such election shall be held in accordance with provisions of law for the incurring of bonded indebtedness by the city or county, as near as the same may be applicable. Except as may be prohibited by this section, a loan as provided for in Section 6499.5 may be made to a city, county, or district and it may accept such a loan, notwithstanding any other provision of law limiting or prohibiting the creation of any indebtedness on the part of the city, county, or district.

Appropriation

SEC. 3. There is hereby appropriated from the Investment Fund the sum of one hundred thousand dollars ($100,000) which shall be transferred to the Small Craft Harbors Revolving Fund, for expenditure by the State Lands Commission for the purposes of this act.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is of vital concern to the people of the State that a state-wide system of small craft harbors and connecting waterways be provided as soon as possible. Some local agencies are now ready to proceed with the planning of such harbors but need an advance of state funds to proceed. This act will further the development of a state-wide system of small craft harbors and connecting waterways by making funds available to local agencies as loans for the planning of small craft harbors

CHAPTER 2376

An act to add Sections 335, 336, 337, 338, and 339 to the Water Code, relating to beach erosion.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 335 is added to the Water Code, to read:

Beach erosion control

335. Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with Public Law 727, 79th Congress, 2d Session, as amended by Public Law 826, 84th Congress, 2d Session, or as it may hereafter be amended, or any other act of Congress relating to beach erosion control in which local participation is required, it shall be the policy of the State to bear one-half the costs of local participation required by the authorizing federal legislation, including construction costs and costs of lands, easements and rights of way; provided, any affected city, county, or other public agency furnishes assurances satisfactory to the department that it will provide all other local cooperation required by the authorizing federal legislation, will hold and save the State free from damages for all time due to the construction, operation, and maintenance of the project, and will maintain and operate the project during its useful life, as may be required to serve its intended purpose, subject to such regulations as may be prescribed therefor by the department. This declaration of policy shall expire June 30, 1967.

SEC. 2. Section 336 is added to said code, to read:

Reports, recommendation

336. The department shall report to the Legislature from time to time the amount of funds which are required to carry out the policy set forth in Section 335 of the code, and shall make recommendations to the Governor and to the Legislature as to the amount of funds which should be appropriated therefor.

SEC. 3. Section 337 is added to said code, to read:

Approval of report when projects combined

337. Whenever beach erosion control works are included in a small boat harbor development project, the report of the department required by Section 336 of this code shall be approved by the State Lands Commission and the Director of Finance prior to submission to the Legislature.

SEC. 4. Section 338 is added to said code, to read:

Advancement of moneys

338. The department, with the approval of the Director of Finance, and on terms satisfactory to the department may advance moneys appropriated for this purpose in the amount required to meet the federal share of any project described in Section 335 of this code in order to carry out construction of the project. Reimbursements from the Federal Government

shall be reimbursed to the fund from which the advance was made.

SEC. 5. Section 339 is added to said code, to read:

339. Where the department is the construction agency, the city, county or other public agency acting in cooperation with the department in the construction of any federally authorized beach erosion control project shall transmit funds representing its share of the costs to the department for deposit in the State Treasury in advance of commencement of construction work. Deposit in State Treasury

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CHAPTER 2377

An act to amend Sections 377.1, 377.3, 377.4, 377.5, 377.6, and 377.7, of the Agricultural Code, relating to poultry.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 377.1 of the Agricultural Code is amended to read:

377.1. As used in this article: Definitions

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. "Fowl" includes chickens, turkeys, ducks, geese, and other domesticated birds.

(b) "Poultry meat" means the carcass of poultry or any part thereof.

(c) "Poultry plant" means (1) any place where poultry is slaughtered, dressed or drawn, or (2) any place where poultry meat is cut up, recut, packed or repacked or otherwise prepared for human food, other than a retail store or eating place.

(d) "Poultry meat inspector" means a person who after examination and demonstration has been issued a license by the director to inspect poultry meat for wholesomeness.

(e) "Wholesome" means that the poultry or poultry meat is free from:

(1) Physical evidence of disease injurious to human health;

(2) Diseased conditions which have rendered or would render the poultry meat unsuited for human food;

(3) Serious destruction of the flesh by disease or injury; or

(4) Contamination by any substance injurious to human health.

(f) "Marked" means plainly, legibly and conspicuously labeled, tagged, stenciled, or branded in accordance with this article and regulations thereunder.

(g) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

(h) "Regulations" means regulations of the director for carrying out the provisions of this article.

(i) "New York dressed fowl" means fowl from which the feathers have been removed and the blood drawn and which is offered for sale as a whole fowl with head, feet, and entrails intact.

(j) "Producer" means a person who is engaged in the business of growing (that is, feeding and caring for) poultry, some of which poultry is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

SEC. 2. Section 377.3 of said code is amended to read:

License required

377.3. (a) No person shall act as a poultry meat inspector without having obtained a license as provided in this article. Every person before acting as a poultry meat inspector shall apply to and receive from the director a license to inspect poultry meat. The application fee shall be ten dollars ($10). All licenses issued prior to the effective date of this act expire December 31, 1957, and all such licenses issued after the effective date of this act shall expire on the last day of the calendar year for which they were issued. Application for renewal of a license accompanied by a fee of five dollars ($5) shall be made on or before the last day of the calendar year for which the license was issued. To any fee not paid when due, there shall accrue and be added a penalty of five dollars ($5). If a license lapses for two calendar years, it shall not be subject to renewal but shall be considered a new application.

Examination

(b) The director shall, after written and oral examination and demonstration to show the applicant's knowledge of the anatomy of poultry and of routine processing techniques and equipment used in poultry processing plants, and his ability to interpret laws and regulations pertaining to poultry meat inspection, issue to persons who pass and are otherwise qualified, licenses to inspect poultry meat for wholesomeness.

Schools

(c) The director shall, forthwith after the passage of this article and from time to time, arrange for conducting schools of instruction for poultry meat inspectors.

SEC. 3. Section 377.4 of said code is amended to read:

Marking

377.4. (a) No poultry meat shall be packed, repacked, cut up, recut, offered for sale or sold unless each container or each carcass is marked in accordance with the provisions of this article and the regulations adopted hereunder.

(b) A poultry meat inspector shall place or cause to be placed a mark on each carcass or container of poultry meat before the poultry meat is removed from a poultry plant.

(c) The marks required hereunder shall be in addition to those required by Section 375.4 but may be in combination therewith.

(d) The director shall determine by regulation the official design of the marks required hereunder. Each poultry plant shall submit samples of the proposed method of use of the design to the director which method must be approved by the director before use.

SEC. 4. Section 377.5 of said code is amended to read:

377.5. (a) The director shall in accordance with Chapter 4, (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code promulgate and adopt rules and regulations for carrying out the provisions of this article. Rules, etc

(b) The director shall furnish to each person holding a license hereunder or making application therefor a copy of the regulations.

SEC. 5. Section 377.6 of said code is amended to read:

377.6. This article does not apply to: Exclusions

(a) Poultry meat which has been inspected and passed for wholesomeness by the Poultry Division of the Agricultural Marketing Service of the United States Department of Agriculture, and the container of which bears the official mark of said division.

(b) Poultry meat bearing the official mark of a city, county, or state poultry meat inspection service for wholesomeness in another state which has requirements equal to those provided for in this article, when such out-of-state requirements have been approved by the director.

(c) Poultry meat from poultry which is slaughtered on the premises where produced and which poultry meat (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) Poultry meat derived from poultry which is slaughtered, dressed, and sold on the premises where produced for purposes other than resale, when the entire poultry meat output of the producer of such poultry is so sold.

SEC. 6. Section 377.7 of said code is amended to read:

377.7. (a) The director may after hearing refuse to issue a license or renewal of a license and may suspend or revoke any license as the case may require for any violation of or failure to comply with the provisions of this article or the regulations adopted thereunder. The director may suspend temporarily, pending hearing, any license for wilful or deliberate violation. Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing at Section 11500), Part 1, Division 3 of Title 2 of the Government Code and the director shall have all powers granted therein. Disciplinary action

(b) Any person who violates any provision of this article, or of the regulations made under this article, is guilty of a misdemeanor. Criminal penalty

(c) The director may bring an action to enjoin the violation or threatened violation of any provision of this article or Injunctive relief

the regulations thereunder in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Severability clause

SEC. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 2378

An act to amend Sections 377.3, 377.5, 377.6 and 1115 of the Agricultural Code, relating to poultry meat.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 377.3 of the Agricultural Code is amended to read:

License required

377.3. (a) No person shall act as a poultry meat inspector without having obtained a license as provided in this article. Every person before acting as a poultry meat inspector shall apply to and receive from the director a license to inspect poultry meat. The application fee shall be ten dollars ($10). All licenses issued prior to the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session expire December 31, 1957, and all such licenses issued after the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session shall expire on the last day of the calendar year for which they were issued. Application for renewal of a license accompanied by a fee of five dollars ($5) shall be made on or before the last day of the calendar year for which the license was issued. To any fee not paid when due, there shall accrue and be added a penalty of five dollars ($5). If a license lapses for two calendar years, it shall not be subject to renewal but shall be considered a new application.

Examination

(b) The director shall, after written and oral examination and demonstration to show the applicant's knowledge of conditions affecting wholesomeness in poultry meat and poultry meat products, the anatomy of poultry, routine processing techniques and equipment used in poultry processing plants, and poultry plant sanitation, and his ability to understand laws and regulations pertaining to poultry meat inspection, issue to persons who pass and are otherwise qualified, licenses to inspect poultry meat for wholesomeness.

(c) The director shall, forthwith after the passage of this article and from time to time, arrange for conducting schools of instruction for poultry meat inspectors. Schools

SEC. 2. Section 377.5 of said code is amended to read:

377.5. (a) The director shall in accordance with Chapter 4, (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code promulgate and adopt rules and regulations for carrying out the provisions of this article. Such rules and regulations may include standards for poultry meat food products which shall conform, so far as possible, to the standards adopted by the United States Department of Agriculture pertaining to preparation and processing of poultry meat food products and the poultry meat used therein. Rules, etc

(b) The director shall furnish to each person holding a license hereunder or making application therefor a copy of the regulations.

SEC. 3. Section 377.6 of said code is amended to read:

377.6. This article does not apply to: Exclusions

(a) Poultry meat which has been inspected and passed for wholesomeness by the Poultry Division of the Agricultural Marketing Service of the United States Department of Agriculture, and the container of which bears the official mark of said division; provided, 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 done in a poultry plant under federal or state inspection.

(b) Poultry meat bearing the official mark of a city, county, or state poultry meat inspection service for wholesomeness in another state which has requirements equal to those provided for in this article, when such out-of-state requirements have been approved by the director.

(c) Poultry meat which is slaughtered on the premises where produced and which poultry meat (1) is sold by the producer at retail on such premises, or (2) is sold 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 unforseeable exigencies, any person other than members of their immediate families.

(d) Poultry meat derived from poultry which is slaughtered, dressed, and sold on the premises where produced for purposes other than resale, when the entire poultry meat output of the producer of such poultry is so sold.

SEC. 4. Section 1115 of said code is amended to read:

1115. The director shall, in accordance with Chapter 4, (commencing at Section 11370), Part 1, Division 3, of Title 2, of the Government Code, promulgate and adopt regulations for carrying out the provisions of this article. Rules, etc

CHAPTER 2379

An act to provide for the construction of an exhibits building at Donner Memorial State Park, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. There is hereby appropriated out of the State Park Fund the sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary, to the Division of Beaches and Parks, to be expended for the construction of, and exhibits for, an exhibits building at Donner Memorial State Park.

Exhibit building

SEC. 2. The exhibit building shall be operated and maintained by the Division of Beaches and Parks, as a part of the State Park System.

CHAPTER 2380

An act to require that the proceeds from the sale of the Department of Motor Vehicle Building in San Bernardino be used for acquisition of a building site for said department in San Bernardino, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Irrespective of any other provision of law the proceeds from the sale of the Department of Motor Vehicle Building in San Bernardino are hereby appropriated to the Department of Motor Vehicles for acquisition of real property to be used as a site for a new San Bernardino office of the Department of Motor Vehicles.

CHAPTER 2381

An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition and development of state beaches in San Diego County.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. The sum of four hundred nine thousand one hundred seventeen dollars and thirty-six cents ($409,117.36)

is appropriated to the Division of Beaches and Parks, Department of Natural Resources, from the State Beach Fund for the acquisition and development of state beaches in San Diego County, pursuant to plans to be mutually agreed upon by the State Park Commission and the board of supervisors of San Diego County.

Transfer from suspense fund

SEC. 2. For the purposes of this act, the State Controller shall transfer to the State Beach Fund the sum of three hundred sixty-eight thousand one hundred dollars and thirty-six cents ($368,100.36) received by the State for the sale of state lands located in Silver Strand State Park and now being held in a suspense fund in the State Treasury.

CHAPTER 2382

An act to amend Sections 23114 and 23136 of the Government Code, relating to the boundaries of San Bernardino County and Inyo County.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 23114 of the Government Code is amended to read:

Boundaries Inyo County

23114. The boundaries of Inyo County are as follows:

Beginning at the southeast corner of Tulare, being the point of intersection of the sixth standard south, Mount Diablo Base, with the summit line of the Sierra Nevada Mountains; thence east, by said standard and extension thereof, to the western boundary of T. 19 N., R. 12 E., San Bernardino Base and Meridian, thence north along said western boundary to the northern line of said township, thence east along the northern line of said township to the eastern boundary of the State, forming the southeast corner; thence northwesterly, on the state line, to the southeast corner of Mono; thence west on the southern line of Mono to the summit of the Sierra Nevada Mountains, being on the eastern line of Fresno, and forming the southwest corner of Mono and northwest corner of Inyo; thence southeasterly on said summit line to the place of beginning.

SEC. 2. Section 23136 of said code is amended to read:

San Bernardino County

23136. The boundaries of San Bernardino County are as follows:

Beginning at the northwest corner of Sec. 1, T. 25 S., R. 40 E., M. D. B. & M.; thence east along the township line between T. 24 and 25 S. of the Mount Diablo base line, being the sixth standard south, Mount Diablo Base, and continuing east by said standard line and extension thereof, to the western boundary of T. 19 N., R. 12 E., San Bernardino Base and Meridian, thence north along said western boundary to the

northern line of said township, thence east along the northern line of said township to the eastern boundary of the State of California; thence southeasterly and southerly along said state line to its intersection with the east and west center line of T. 1 S., R. 24 E., S. B. B. & M., or the prolongation thereof; thence westerly along the northern boundary of Riverside to the corner common to Orange, Riverside, and San Bernardino; thence northwesterly along the boundary line established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino Counties to the corner common to San Bernardino, Los Angeles and Orange; thence northerly along the eastern boundary of Los Angeles to the corner common to Los Angeles, Kern, and San Bernardino, situated at the northeast corner of T. 8 N., R. 8 W., S. B. B. & M.; thence east on the township line between T. 8 and 9 N. of San Bernardino base line to the section line between Secs. 32 and 33, T. 9 N., R. 7 W., S. B. B. & M.; thence north following section lines to the eighth standard parallel south of Mount Diablo base line; thence east along said eighth standard parallel to the southwest corner of T. 32 S., R. 41 E., M. D. B. & M.; thence north along the township line to the seventh standard parallel south of Mount Diablo base line; thence along said standard parallel to the southwest corner of Sec. 36, T. 28 S., R. 40 E., M. D. B. & M.; thence north along section lines to the northwest corner of Sec. 1, T. 25 S., R. 40 E., M. D. B. & M., said point being the place of beginning.

Legislative intent

SEC. 2. The Legislature declares that in enacting this measure it intends to clarify the statutory description of the northern boundary of San Bernardino County, which is also the southern boundary of Inyo County, by reference to the common boundary line between the counties which was surveyed and marked by monument during the year 1878. The common boundary line referred to herein has continuously been so described as to Inyo County and was so described as to San Bernardino County until the amendment thereto made by Chapter 470 of the Statutes of 1919.

CHAPTER 2383

An act to add Chapter 17.5 (commencing at Section 7601) to Division 3 of the Education Code, relating to school district public works in areas affected by state construction projects, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 13, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 17.5 is added to Division 3 of the Education Code, to read:

CHAPTER 17.5. SCHOOL CONSTRUCTION IN STATE PROJECT AREAS

Article 1. General Provisions

Short title

7601. This chapter may be cited as the "State Project Area School Construction Law."

State policy

7602. In recognition of the impact which certain major state construction projects have on local school district building needs in the areas in which such projects are constructed, the Legislature declares that it is the policy of the State to bear a proportionate share of the construction costs of school buildings in the area affected in the manner and to the extent provided by this chapter.

Definitions

7603. As used in this chapter:

(a) "State project" means any construction project undertaken by the State which will cause a sudden influx of people into the area affected and where sufficient housing, schools, and other community facilities are not available. For the purposes of this subdivision the Governor is hereby empowered to proclaim any major construction project undertaken by the State as a "state project" and define the area affected or likely to be affected thereby when:

1. He finds that the construction project will cause a sudden influx of people into the area; and

2. He is requested to do so by the county board of supervisors.

Such proclamation shall be in writing and shall take effect immediately. As soon thereafter as possible it shall be filed in the office of the Secretary of State.

(b) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(c) "Director" means the Director of Education.

(d) "Project" means the purposes for which a school district has applied for an apportionment.

(e) "Construction project" means the purposes for which a school district has applied for an apportionment at a given location.

(f) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(g) "Apportionment" means an apportionment made under this chapter unless the context otherwise requires.

(h) "Project children" means children of parents who have come to the district subsequent to the start of the state project and who are employed by the State of California in connection with a state project and children of parents employed by any contractor or subcontractor of a state project.

(i) "Indirect project children" means children of parents who have come to the district subsequent to the start of the state project and who are not employed by a contractor or subcontractor of a state project but who are children in the area in addition to those which would be expected as a result of normal development and growth of the area as determined pursuant to regulations of the director which he is hereby authorized to adopt.

(j) "Parent" includes a legal guardian or other person standing in loco parentis.

(k) "Department" means the Department of Education.

Administration

7604. The Director of Finance shall administer this chapter and shall provide such assistance to the board as it may require.

Article 2. Apportionments

Apportionments Purposes

7606. Apportionment from the State School Construction Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board, for the following purposes: (a) the purchase and improvement of school sites which have been approved by the department; (b) the purchase of desks, tables, chairs, and equipment, as approved by the department; and (c) the planning and construction, reconstruction, alteration of, and addition to, school buildings for such facilities as are approved by the department as essential, all of which purposes are hereby declared to be, and are, public works.

Where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter.

Additional purposes

7607. In addition to the purposes for which apportionments may be made to school districts under Section 7606, apportionments may also be made to school districts for the construction, repair, attachment or development of off-site facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made, all of which purposes are hereby declared to be, and are, public works.

District as agent of State

7608. In making applications for, and in expending, apportionments of funds under this chapter, a school district acts as an agent of the State and all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter, are declared to be, and are, the property of the State. Upon the payment by the district of the amounts required to be paid by it to the State under this chapter the board shall, in the name of the State, convey such property to the district.

Insurance

7609. The board may require school districts to insure for the benefit of the State all sites, equipment and buildings which are the property of the State, against such risks and in such amounts as the board may deem necessary to protect the interests of the State. No state funds apportioned under this chapter shall be used to pay the premiums on said insurance.

Eligibility

7610. A district shall be eligible to an apportionment under this chapter if the estimated number of project children and indirect project children who will be in average daily attendance in the schools of the district during the period of the state project is at least 25 and is at least 5 percent of the estimated number of all children who will be in average daily attendance in the schools of the district during the current fiscal year.

Application

7611. Any eligible school district may make application for an apportionment for a grade level which it maintains by submitting through the governing board an application therefor in such form and number as the board shall prescribe. Such application shall be addressed to the board and shall set forth a project for the construction of school facilities for the district in accordance with the provisions of this section.

(a) Each application and copy thereof shall contain and be supported by:

(1) A description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as the board may require.

(2) A statement of the estimated cost of the project certified by an architect or structural engineer.

(3) Evidence that the district has or will have title to the site upon which the facilities as specified in the application will be constructed.

(4) Assurance that the district will cause the work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence.

(b) The 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 assure completion of the project with available funds of the district and the amount of the apportionment to which the district

is entitled under this chapter. For that purpose the board may delegate to the director or the Director of Finance, according to whether the subject matter of the revision of the plans is subject to the jurisdiction and approval of the director or the Director of Finance, the authority to require such revision in the plans as the board deems necessary or desirable to accomplish the purposes of this subdivision.

(c) Upon submission of an application for an apportionment under this chapter:

(1) The Director of Finance shall transmit a copy thereof to the director who shall as promptly as possible prepare a report and recommendation with respect thereto. Thereupon the director shall transmit his report and recommendation to the Director of Finance who shall refer them to the board if he finds them in proper form and otherwise sufficient. If the Director of Finance finds such documents to be lacking in any respect as to any matter subject to the jurisdiction of the director or the department, he shall refer them to the director who shall take such action as may be necessary.

(2) The Director of Finance shall determine the applicant district's financial ability with funds apportioned under this chapter and funds devoted by the district to the project to meet the cost of the project and submit his report thereon as promptly as possible to the board.

Board action

7612. At the next regular meeting of the board following the submission of the reports and recommendations required by Section 7611, the board shall, subject to the provisions of this chapter, approve or reject the application. If the board approves the application, it shall by resolution adopted by it, apportion to the district from the State School Construction Fund the amount applied for, or such portion thereof as the board determines proper. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 7613 is favorable. The conditional apportionment shall remain in effect for a period of nine months from the date of the resolution of the board. If the apportionment does not become final within the time prescribed, it shall become void and the money so apportioned shall again become available for apportionment pursuant to this chapter.

Authorization required

7613. No apportionment to a school district under this chapter shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter, an apportionment under the provisions of this chapter. Such election shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

Election

Ballot form

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment from the State of California under and subject to the provisions

of the State Project Area School Construction Law, a portion of which amount is subject to repayment as provided by said law? Yes _____ No _____."

Article 3. Computation of Apportionments

Computation

7616. The board shall compute for each applicant school district the amount to which the district is entitled under the provisions of this chapter in the manner prescribed by this article.

7617. In the computation of the apportionments to applicant school districts, the board may utilize the facilities and services of any department or agency of the State and may delegate the performance of any duties or functions, except those specifically delegated by this chapter to the director or department, to any officer or employee thereof as the board deems necessary and proper.

Amount

7618. The board shall multiply:

(a) The estimated number of project children in the district by the current construction cost per pupil in the area of the state project.

(b) The estimated number of indirect project children in the district by the current construction cost per pupil in such area, multiplied by 55 percent.

"Current construction cost per pupil" as used in this section means the average per pupil cost of constructing complete school facilities for the grade level maintained by the district for which application for an apportionment is made under this chapter.

The total of the amounts computed pursuant to subdivisions (a) and (b) shall be apportioned to the district.

Average per pupil cost

7619. (a) The average per pupil cost of constructing complete school facilities in the area of the state project for the purposes of this article shall be determined by the board, after consultation with the department and the Division of Architecture, on the basis of information obtained thereby and such other information as may be available to the department.

Number of project children

(b) Estimates of the number of project children and indirect project children for the purpose of this article shall be made by the applicant school district in accordance with rules prescribed by the director and shall be made as of the time the greatest number of such children will attend the schools of the district as a result of the state project. Such estimates shall be made on the basis of the best information available to the district at the time of the application. Approval of such estimates by the director, in whole or in part, shall be on the basis of the best information available to the director at the time of such approval. In the approval of estimates of the number of project children and indirect project children for the purposes of this article the director may utilize the facilities and services of any department or agency of the

State as he deems necessary and proper. No estimate shall be used as a basis of an apportionment that has not been approved by the director.

Article 4. Payment of Apportionment

Certificate

7621. Immediately after the result of the election required by Section 7613 has been determined, the county superintendent of schools shall make a certificate in duplicate stating whether the school district has authorized the acceptance and expenditure of the apportionment. One copy of the certificate shall be sent to the board and one copy to the State Controller. Upon the receipt by the board of the certificate, the apportionment shall become final.

Election

7622. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 7613 may be called and held either before or after the making of an apportionment.

Payment

7623. Payment shall be made in accordance with the terms of a final apportionment, to a school district for expenditures, or commitments therefor, which have been made by the district subsequent to the date of the proclamation of the Governor proclaiming a state project in the area including the district, for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the board, payment or reimbursement for such item shall be made only upon authorization of the board by special resolution citing this section.

Purposes

7624. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it to a school district under this chapter may be expended and such prescription shall be binding upon the governing board of such district except as it may be, for good cause, modified by the board.

Certification to Controller

7625. Each apportionment made by the board under this chapter shall be certified by it to the State Controller who shall thereupon draw his warrant on the State Treasury in favor of the county treasurer of the county having jurisdiction over the district. The warrant shall be paid by the State Treasurer from the State School Construction Fund and is not subject to the provisions of Section 16003 of the Government Code.

County treasurer

7626. The county treasurer of each county shall pay all moneys received by him under this chapter into the county treasury to the credit of the state school construction fund of such district, which fund is hereby created, exactly as apportioned by the board

Expenditure, purposes, reports

7627. The governing board of each school district to which an apportionment has been made under this chapter shall expend the moneys in the state school construction fund of the district only for the purposes for which said moneys were ap-

portioned to the district and for no other purpose and shall make such reports relating to the expenditure of such moneys as the board and the State Controller shall require.

Audits

7628. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter, as he may deem necessary from time to time, for the purpose of determining that the money received by school districts as apportionments hereunder has been expended for the purposes authorized by this chapter.

Article 5. Repayment of Apportionment

Repayment

7631. Each school district to which an apportionment is made under this chapter shall repay the principal amount of such apportionment in the manner prescribed by this article.

Completion of project

7632. For purposes of computing such repayment, the state project shall be deemed completed on June 30th of the fiscal year in which the state project is completed and accepted by the State.

Repayment

7633. Thereupon, if the district is eligible for an apportionment of state school building aid funds under the provisions of Chapter 19 of this division, the apportionment shall be repaid in the manner therein prescribed, in which case the provisions of Section 7735 and 7736 shall be applicable to the district.

Computation and manner

7634 The principal amount of the apportionment shall be computed and repaid in the manner prescribed in this article.

(a) On or before the first day of January succeeding the completion of the state project, the State Controller shall compute the annual repayment of each apportionment for each grade level maintained by the district, as follows:

(1) He shall determine from the certification of the director the total amount of average daily attendance of project children, and the total amount of average daily attendance of indirect project children, in attendance in the grade level maintained by the district for the period commencing with the date of the Proclamation of the Governor proclaiming the existence of a state project in the area including the district and ending on June 30th of the fiscal year in which the state project is completed.

(2) He shall divide the average daily attendance of such project children by 30 and multiply the quotient by the amount determined by the board pursuant to Section 7619 as the average per pupil cost of construction in the area of the state project.

(3) He shall multiply the average daily attendance of such indirect project children by 55 percent. The product shall be divided by 30 and the quotient multiplied by the amount determined by the board pursuant to Section 7619 as the average per pupil cost of construction in the area of the state project.

(4) The total of the amounts computed pursuant to subdivisions (2) and (3) shall be subtracted from the amount of

the apportionment to the district. The remainder shall be divided by 30 and the quotient shall constitute the amount of the annual repayment of such apportionment.

Time (5) Upon application of the district and approval by the board, the total amount of the repayment may be paid in a lump sum or in fewer than 30 years.

Reduction 7634.1. If on June 30th of the fiscal year in which the state project is completed there is classroom space constructed with funds apportioned under this chapter, that is not being used by the district, the board shall, upon application of the district, reduce the total amount to be repaid by the district on a proportionate basis until such time as the classroom space is used by the district. No payment shall be required by the district for the period during which such classroom space is not used by the district.

Deductions 7635. The State Controller shall, during the fiscal year in which he determines the annual repayment as provided in Section 7634, and for each subsequent fiscal year not exceeding 30, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Chapter 15 of this division; and, on order of the State Controller, the amount so deducted shall be transferred to the General Fund of the State.

Notification of deduction 7636. Upon computing in any fiscal year the amount to be deducted from the apportionments to the district from the State School Fund during such fiscal year, the State Controller shall notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of the amount to be deducted.

Levy of tax 7637. The board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this chapter will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the next levy of taxes for county purposes, levy a tax upon the property in the district sufficient to raise for the district the amount of money withheld by the State Controller during the fiscal year preceding that in which the tax is levied Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district.

Article 6. Miscellaneous Provisions

Additional powers and duties 7641. In addition to such other powers and duties as are granted the board by this chapter, the board shall:

(a) Establish such procedures and policies in connection with the administration of, and the expenditure of funds made

available for the purpose of, this chapter as it deems necessary and which are not in conflict with the powers and duties of the Department of Education or of the director granted or imposed by this chapter.

(b) Adopt such rules and regulations for the administration of this chapter, requiring such procedure, forms, and information, as it may deem necessary.

Allocation Board

7642. The State Allocation Board is continued in existence for the purposes of this chapter. The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services under this chapter 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 State School Construction Fund.

Unauthorized expenditures

7643. Whenever the State Controller determines that any money apportioned to a school district under this chapter has been expended by such district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Construction Fund, to be reapportioned by the board.

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.

School Construction Fund, appropriation

7644. A fund in the State Treasury is hereby created, to be known as the State School Construction Fund. All money in the State School Construction Fund, including any money deposited in said fund from any source whatsoever after the effective date of this chapter, is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to apportionments made under the provisions of this chapter

Transfer of funds

SEC. 2. The sum of one million dollars ($1,000,000) is hereby transferred from the Investment Fund in the State Treasury to the State School Construction Fund.

CHAPTER 2384

An act to amend Section 1197.5 of the Labor Code, relating to labor.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 16, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1197.5 of the Labor Code is amended to read:

1197.5. (a) No employer shall pay any female in his employ at wage rates less than the rates paid to male employees in the same establishment for the same quantity and quality of the same classification of work; provided, that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, factor or factors other than sex, when exercised in good faith.

(b) Any employer who violates subdivision (a) of this section is liable to the employee affected in the amount of the wages of which such employee is deprived by reason of such violation.

(c) Any affected employee may register with the Division of Industrial Welfare a complaint that the wages paid to her are less than the wages to which she is entitled under this section.

(d) The Division of Industrial Welfare shall take all proceedings necessary to enforce the payment of any sums found to be due and unpaid to such women employees.

(e) Any woman receiving less than the wage to which she is entitled under this section may recover in a civil action the balance of such wages, together with the costs of suit, notwithstanding any agreement to work for a lesser wage.

(f) Any action based upon or arising under this section shall be instituted within six months after the date of the alleged violation, but in no event shall any employer be liable for any pay due under this section for more than 30 days prior to receipt by the employer of written notice of claim thereof from the employee.

(g) The burden of proof shall be upon the person bringing the claim to establish that the differentiation in rate of pay is based upon the factor of sex and not upon other differences, factor or factors.

CHAPTER 2385

An act to provide for a study of gifted and emotionally disturbed children in the public schools of California, and making an appropriation therefor.

[Approved by Governor July 15, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The State Department of Education of California is hereby authorized and directed to make a study of problems relating to emotionally disturbed children in the public schools of the State. The study shall include, but not necessarily be limited to, a determination of the criteria now being used in the schools to identify emotionally disturbed children, recommendations for diagnostic standards to be developed so as to most effectively identify such children, an evaluation of the effectiveness of present special school programs designed to help emotionally disturbed children, a determination of the relationship between early identification of such children and their rehabilitation, and a report on administrative problems and costs which would be involved in the development and operation of successful educational programs designed to meet the needs of emotionally disturbed children. A preliminary report of the study shall be provided to the Legislature on or before January 1, 1960, and a final report thereon shall be provided on or before January 1, 1961.

SEC. 2. The State Department of Education of California is hereby authorized and directed to make a study of special educational programs designed to meet the needs of gifted pupils in the public schools of the State. The study shall, among other appropriate matters, analyze the need for special enrichment programs for gifted pupils, the costs of such programs, and the possible benefits to be derived by pupils who are provided with such special programs. A preliminary report of the study shall be provided to the Legislature on or before January 1, 1960, and the final report shall be provided on or before January 1, 1961.

SEC. 3. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of one hundred eight thousand dollars ($108,000) or as much thereof as may be necessary to be expended by the State Department of Education in carrying on these studies, in augmentation of Item 71 of the Budget Act of 1957. Of this amount not more than sixty-eight thousand dollars ($68,000) may be used for carrying on the study authorized in Section 1 during the 1957-58 Fiscal Year, and not more than forty thousand dollars ($40,000) may be used for carrying on the study authorized in Section 2 during the 1957-58 Fiscal Year.

SEC. 4. The State Superintendent of Public Instruction is hereby authorized to appoint an advisory committee of five

members to assist in the formulation of a design for the project authorized in Section 1 and the evaluation of the outcomes. One member of the advisory committee shall be a licensed psychiatrist and one member thereof shall be a research specialist. From the funds appropriated under Section 3 of this act, the Department of Education is authorized to pay travel and subsistence expenses incurred by members of the advisory committee in attending meetings of the committee called by the State Superintendent of Public Instruction; provided, that not more than one thousand dollars ($1,000) may be used for this purpose during the 1957-58 Fiscal Year.

SEC. 4. The State Superintendent of Public Instruction is hereby authorized to appoint an advisory committee of 10 members to assist in the formulation of a design for the project authorized in Section 2 and in the evaluation of the outcomes. From the funds appropriated under Section 3 of this act, the Department of Education is authorized to pay travel and subsistence expenses incurred by members of the advisory committee in attending meetings of the committee called by the State Superintendent of Public Instruction; provided, that not more than one thousand dollars ($1,000) may be used for this purpose during the 1957-58 Fiscal Year.

CHAPTER 2386

An act to provide for the acquisition, repair, and operation of the San Francisco Palace of Fine Arts as part of the State Park System, and making an appropriation therefor.

In effect September 11, 1957

[Approved by Governor July 15, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Whenever the City and County of San Francisco offers to convey, without cost to the State, all the land and improvements in the City and County of San Francisco known as the San Francisco Palace of Fine Arts, totaling approximately 13½ acres, the State Park Commission shall accept the conveyance thereof for the State Park System upon the following terms and conditions.

After said property is acquired by the State, it shall be repaired and rehabilitated as close to its original form as possible. For such purpose the sum of two million dollars ($2,000,000) is hereby appropriated from the State Park Fund to the Division of Beaches and Parks, Department of Natural Resources. Any portion of this appropriation that is expended for such purposes shall be matched by like amounts contributed from private or other sources other than the State; provided, that the contribution by the City and County of San Francisco may be made over a period of years agreed upon by the city and county and the State Park Commission.

After the repair and rehabilitation provided for in this section, the State Park Commission may lease the property to the City and County of San Francisco upon condition that the property be used for park, cultural, recreational, educational, museum, artistic, and musical purposes.

CHAPTER 2387

An act to amend Section 19622 and to repeal Section 19626.6 of the Business and Professions Code, relating to allocation of moneys in the Fair and Exposition Fund, and making an appropriation.

[Approved by Governor July 13, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19622 of the Business and Professions Code is amended to read:

19622. There is hereby annually appropriated out of the fund the following: (i) two hundred fifty thousand dollars ($250,000) for the support of the California State Fair; (ii) two hundred fifty thousand dollars ($250,000) for the support of the Los Angeles County Fair; (iii) two hundred fifty thousand dollars ($250,000) for the support of 1-A District Agricultural Association; (iv) one hundred twenty-five thousand dollars ($125,000) for the support of the 48th District Agricultural Association; (v) fifteen thousand dollars ($15,000) to the Sixth District Agricultural Association of the State of California, for the purpose of holding a permanent exposition and exhibition of all citrus products and of all of the industries and industrial enterprises, resources, and products of every kind and nature of the State of California, with a view of improving, exploiting, encouraging and stimulating such industries, resources and products, and for the support of the buildings and grounds and other property of the Sixth District Agricultural Association; provided, that no fee shall be charged for admission to the permanent exposition and exhibition for which the appropriation is made by this subdivision; and (vi) one hundred twenty-five thousand dollars ($125,000) during each of the 1957-58 and 1958-59 Fiscal Years, which notwithstanding any other provision of this section shall be available in accordance with Section 16304 of the Government Code, to the Sixth District Agricultural Association of the State of California, for the purpose of holding an annual industrial and trade exposition to demonstrate and promote the trade and industrial progress of the State by means of displays of the industrial products and techniques of the State, such other displays and exhibits as will illustrate the importance of trade and industry as a vital factor in California's economy and California's standing as an important

Appropriation

industrial state, and such other activities as will encourage and stimulate further development of trade and industry in this State.

The money heretofore or hereafter apportioned to the Los Angeles County Fair under this section may be expended for the payment of premiums and, with the approval of the Department of Finance, for capital outlay, including purchase of land, construction, improvements, equipment, support, and maintenance for such fair.

All money heretofore or hereafter appropriated to the California State Fair, the Los Angeles County Fair, the Sixth District Agricultural Association, citrus fruit fairs as defined in Section 94 of the Agricultural Code, and the 1-A District Agricultural Association under the provisions of this article except money allocated by the Director of Finance for fair purposes under the provisions of Section 19626 of the Business and Professions Code, shall be exempt from the provisions of Section 16304 of the Government Code, and shall remain available for expenditure from year to year until expended.

Repeal

SEC. 2. Section 19626.6 of said code is repealed.

CHAPTER 2388

An act to repeal Section 400 of the Code of Civil Procedure, relating to proceedings in civil actions.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 400 of the Code of Civil Procedure is repealed.

CHAPTER 2389

An act to amend Sections 14453 of the Education Code, relating to the State Teachers' Retirement System.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 14453 of the Education Code is amended to read:

14453. A member shall receive credit for time served, either before or after July 1, 1944, in publicly supported and administered schools in other states of the United States and its territories and possessions and in Canada as a teacher of children who are deaf or blind or both deaf and blind if the member fulfills both of the following conditions:

(a) He is credited with at least 10 years of service in this State as a teacher of children who are both deaf and blind.

(b) Within five years immediately preceding the date when he became a member of this system, he served at least one year in publicly supported and administered schools in other states of the United States, its territories and possessions, or in Canada, as a teacher of children who were both deaf and blind.

CHAPTER 2390

An act to add Section 14449.5 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 11, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 14449.5 is added to the Education Code, to read:

14449.5. Notwithstanding the provisions of this chapter, any member who has rendered service in the employment of a school district in this State in a position the incumbent of which, when such service was rendered, was required by the governing board of such school district to possess a valid school administration certificate and a valid teacher's certificate issued by the State Board of Education, and who is not credited, nor entitled to be credited, with such service in this system or in any other public-employee retirement system established pursuant to any law of this State at the time of making the election herein provided, may elect in writing at any time on or before his retirement under the system to receive credit in the system for such service; provided, that upon making such election, he pays into the system by lump-sum payment, to the credit of the appropriate fund or funds, as determined by the board, the contributions that he would have made had he been in a status requisite for membership in this system at the time such service was rendered, together with the amount of interest that would have been credited to his account or accounts in such fund or funds under such assumption.

CHAPTER 2391

An act to amend Section 5033 of, and to add Section 5033.2 to the Education Code, relating to distressed school districts, making an appropriation and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5033 of the Education Code is amended to read:

Terminal dates, reversion to Treasury

5033. The appropriation herein made is exempt from the provisions of Section 16304 of the Government Code. Any money appropriated by this chapter for apportionment to school districts for which application is not made on or before December 31, 1953, shall revert to the General Fund in the State Treasury. In regard to applications filed on or before the latter date, apportionments may be made at any time until December 31, 1954. Any unexpended funds from apportionments made pursuant to this chapter where the award of a contract is less than the estimated cost of construction, shall revert to the State Treasury and be credited to the appropriation heretofore made, and shall be available for reapportionment by the State Allocation Board. Any money appropriated by this chapter for support of the Department of Finance or the Director of Finance shall be available for expenditures until December 31, 1959.

SEC. 2. Section 5033.2 is added to said code, to read:

Appropriation

5033.2. The sum of three thousand three hundred dollars ($3,300) is hereby appropriated from any money in the State Treasury not otherwise appropriated for apportionments to school districts pursuant to this chapter which the board deems necessary or advisable in order to complete, or to reimburse a district for expenditures made in connection with, a project at a given site for which an apportionment has previously been made under this chapter. Funds appropriated by this section for which application is not made on or before December 31, 1957, shall revert to the General Fund of the State Treasury. In regard to such applications filed on or before the latter date, apportionments may be made at any time until December 31, 1958.

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:

In order that the construction of schools, as provided in Chapter 1.5 of Division 3 of the Education Code, may be continued without delay to meet the dire need of the children of this State for adequate and safe classrooms, it is essential that this act take effect immediately.

CHAPTER 2392

An act to add Article 10.7, commencing at Section 70025, to Chapter 5 of Title 8 of the Government Code, relating to superior courts.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 10.7 is added to Chapter 5 of Title 8 of the Government Code, to read:

Article 10.7. Official Reporters in Counties With a Population of 160,000 to 175,000

70025. In a county with a population of over 160,000 and under 175,000, as determined by the 1950 Federal Decennial Census, the annual salary of the regular official phonographic reporters is eight thousand dollars ($8,000) per year. Salary Phonographic reporters

70026. In a county with a population of over 160,000 and under 175,000, the filing fee required shall be six dollars and fifty cents ($6.50). Filing fees

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CHAPTER 2393

An act to amend Section 55333 of, and to add Section 55334 to, the Water Code, relating to county waterworks districts.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 55333 of the Water Code is amended to read:

55333. The district may adopt and enforce all rules, regulations and ordinances which may be necessary and proper for: Rules, etc

(a) The administration and government of the district.

(b) The acquisition, purchase or construction and use and operation of the waterworks, property and other facilities of the district.

(c) All other purposes of the district not in conflict with laws of this State.

SEC. 2. Section 55334 of said code is added, to read:

55334. Any violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed five hundred dollars ($500), or imprisonment not to exceed six months, or both. Violations

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CHAPTER 2394

An act to amend Section 429 of the Fish and Game Code, and Section 3036 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to licenses.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 429 of the Fish and Game Code is amended to read:

429. Every 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 Disabled veterans

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, the tags provided for in Sections 1278 and 1201.3. The commission, and any employee of the department directed by the commission, may issue to any Indian residing in this State an order authorizing any person who may legally distribute sporting fishing licenses to give to such Indian a sporting fishing license, free of charge The orders may be distributed only to such resident Indians as are, in the discretion of the person authorized to issue said orders, financially unable to pay the fees required for said licenses, and only to such resident Indians as have not been convicted of the violation of any law of this State relating to the protection of fish and game.

Indians

"War"

As used in this section, "war" means that period of time commencing: (a) when Congress declares war; or (b) when the armed forces of the United States are engaged in active military operations against any foreign power whether or not war has been formally declared; and ending upon the termination of hostilities as proclaimed by the President of the United States.

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 429 of the Fish and Game Code adopted in 1933, is repealed.

CHAPTER 2395

An act to amend Section 1324 of the Penal Code, relating to the compelling of evidence from certain persons and to the granting to such persons of immunity from prosecution, penalty and forfeiture.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1324 of the Penal Code is amended to read:

1324. In any felony proceeding or in any investigation or proceeding before a grand jury for any felony offense if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, and if the district attorney of the county in writing requests the superior court in and for that county to order

that person to answer the question or produce the evidence, a judge of the superior court shall set a time for hearing and order the person to appear before the court and show cause, if any, why the question should not be answered or the evidence produced, and the court shall order the question answered or the evidence produced unless it finds that to do so would be clearly contrary to the public interest, or could subject the witness to a criminal prosecution in another jurisdiction, and that person shall comply with the order. After complying, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any fact or act concerning which, in accordance with the order, he was required to answer or produce evidence. But he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order.

CHAPTER 2396

An act to add Section 1157.3 to the Government Code, relating to deductions from the salaries or wages of public employees.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1157.3 is added to the Government Code, to read:

1157.3. Employees of a public agency on approval of the governing body of such public agency in addition to any other purposes authorized in this article may also authorize deductions to be made from their salaries or wages for the payment of dues in any bona fide association whose members are comprised exclusively of public employees in accordance with the provisions made by the governing body of the public agency.

CHAPTER 2397

An act to amend Section 2165d of the Welfare and Institutions Code, relating to the sale of real property by recipients of old-age assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 2165d of the Welfare and Institutions Code is amended to read:

Proceeds from conversion of real property to personal property

2165d. Any proceeds, including trust deeds, promissory notes, or mortgages from the conversion of real property into personal property received by an applicant or recipient of aid under this chapter shall be considered real property having the same assessed value as the real property converted for a period of one year from the time of their receipt, if such proceeds are retained for the purpose of providing a home. If the applicant or recipient receives as part or all of the consideration for such conversion trust deeds, promissory notes or mortgages, such trust deeds, promissory notes or mortgages shall be considered real property having the same assessed value as the real property converted for whatever period of time they are retained by the applicant or recipient, if within one year from the conversion he purchases property for use as a home, and all payments thereafter received by him on the trust deeds, promissory notes or mortgages are utilized as payments on the balance due on such home.

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 a recipient of old-age assistance who sells his home is permitted to treat the proceeds received, including those derived from trust deeds, as real property for the period of one year, if such proceeds are retained for the purpose of providing a home. The purpose of this provision is to preserve eligibility of the recipient for if the proceeds involved were considered personal property or income, he would in most instances be disqualified for aid, whereas in reality his net worth has in no way been changed by the sale. However, many recipients, in order to sell their homes, have been compelled to accept small down payments accompanied by large deeds of trust involving monthly payments running well over one year. Even though the recipient applies the proceeds received from a trust deed on payments for a new home, after one year he might well be disqualified for the aid necessary to his continued existence. Since a great many recipients are now in this position due to no fault of their own, it is essential that the one-year period prescribed by statute be removed as soon as possible, and that this bill go into immediate effect.

CHAPTER 2398

An act to add Section 335.5 to the Streets and Highways Code, relating to state highways.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 335.5 is added to the Streets and Highways Code, to read:

335.5. Notwithstanding any provision of law requiring the expenditure of funds received from the Federal Government for federal aid secondary highways, together with matching funds from the State Highway Fund, upon county roads, the department shall withhold the sum of forty thousand eight hundred forty-seven dollars ($40,847) of such federal funds and state matching funds from those required to be allocated for projects upon county roads on the federal aid secondary system in Humboldt County, and shall expend such funds upon that portion of Route 35 in Humboldt County until such portion is constructed to standards required for the federal aid secondary system.

CHAPTER 2399

An act to add Sections 20023.1, 20129, 20600.5, 20801.1, 21021.5, 31461.1, 31533, 31558.1, 31620.1, 31630 1, 31639.15, 31641.01, 31721 5, and 31780 5 to, to add Article 4 (commencing with Section 53290) to Chapter 2, Part 1, Division 2, Title 5 of, and to amend Sections 20302, 20393, 21360, 21361, 31559, 31700, 31701, and 31720 5 of, the Government Code, relating to public employees.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20302 of the Government Code is amended to read:

20302. An employee who enters state service as the result of the assumption by the State of a governmental function previously exercised by a political subdivision and who was employed in the exercise of that function for at least six months, uninterrupted by a break of more than one month, immediately preceding such assumption, or who enters state service with credit for service to a county or district of six months or more, compensation for which constitutes compensation earnable under this system under Section 20023.1, becomes a member upon entry into state service.

Employee of function assumed by State

SEC. 2. Section 20393 of said code is amended to read:

20393. Any other provision in this part to the contrary notwithstanding, a member whose accumulated contributions exceed five hundred dollars ($500) shall have the right to elect, not later than 90 days after the date upon which notice of said right is mailed by this system to the member's latest address on file in the office of this system, whether to leave such accumulated contributions on deposit in the Retirement Fund under any of the following conditions:

Accumulated contributions Election to leave on deposit

(1) If his state service is discontinued by reason of resignation or discharge.

(2) If his state service is discontinued by reason of layoff or leave of absence deemed by the board to have resulted in

permanent discontinuance (and in such case, as of the date of the determination by the board that the discontinuance is permanent).

(3) If a member ceases to be entitled to credit in this system for future service because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States Government, or any state government or political subdivision thereof.

(4) If the disability retirement of a member is followed by cessation of the disability and by cancellation of the disability allowance, but the member does not re-enter state service.

A member whose accumulated contributions are five hundred dollars ($500) or less also shall have such right to elect if he enters employment in which he is eligible to membership in a retirement system established under the County Employees' Retirement Law of 1937 within 60 days of leaving state service.

Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions unless the member is entitled to be credited with 20 years of service. An election to allow accumulated contributions to remain in the Retirement Fund may be revoked by the member at any time except while he is employed in state service in a position in which he is not excluded from membership in this system with respect to such service, or while he is in service, entered within 60 days after discontinuing state service, as a member of a retirement system established under the County Employees' Retirement Law of 1937. All contributions accumulated up to the time of revocation may then be withdrawn. A member whose membership continues under this section is subject to the same age and disability requirements as apply to other members for service or for disability retirement but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age, which shall be the lowest age applicable to any membership category in which he has credited service, or disability, he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him and calculated in the same manner as for other members, except that the provisions in this part for minimum service and disability retirement allowances do not apply to him, unless he meets such minimum service requirements. Upon the death of such a member prior to retirement under this section, such death benefit as may be payable under Article 5 of Chapter 9 of this part shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the number of his completed years of state service prior to such termination not to exceed six.

SEC. 3. Section 21360 of said code is amended to read:

21360. This system is liable for either the basic or special death benefit upon the death of a member (a) while in state service, before the effective date of his retirement, or with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, after such effective date and before his retirement is approved, or (b) while absent on military service and who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, or (c) within four months after discontinuance of state service, or (d) while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of state service, or (e) while employed as a member of a retirement system established under the County Employees' Retirement Law of 1937 provided such employment was begun within 60 days of discontinuance of state service. Upon the death of a member before the effective date of his retirement or, with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, after such effective date and before his retirement is approved, under circumstances in which this system is not so liable for either the basic or special death benefit, this system is liable for a limited death benefit which consists only of the accumulated contributions of the member payable to his beneficiary or to his estate.

Death benefits

SEC. 4. Section 21361 of said code is amended to read:

21361. The basic death benefit is payable in all cases where the retirement system is liable under Section 21360 for either the basic or a special death benefit and the special death benefit is not payable.

Basic death benefit

The basic death benefit shall consist of:

(a) The accumulated contributions of the member.

(b) An amount, provided from contributions by the State, or contracting agency, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed one-half of such compensation.

The basic death benefit for a member who dies under the circumstances described in subdivision (e) of Section 21360 shall not exceed an amount which when added to the death benefit paid for such member under such other system equals the maximum death benefit payable under that system, if the death is not the result of injury or disease arising out of and in the course of his employment under that system; provided,

however, that such benefit shall be at least equal to his accumulated contributions. The basic death benefit for such member shall be the amount of his accumulated contributions if death is the result of disease or injury arising out of and in the course of employment under such other system.

SEC. 5. Section 20023.1 is added to said code, to read:

Earnable compensation

20023.1. The average monthly salary during any period of service as a member of a county retirement system established under the County Employees' Retirement Law of 1937 shall be considered compensation earnable by a member of this system for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 60 days.

(2) He retires concurrently under both systems and is credited with such period of service under the county system at the time of retirement.

SEC. 6. Section 20129 is added to said code, to read:

Information and data

20129. The board shall, on the request of a board of retirement of a retirement system established under the County Employees' Retirement Law of 1937, supply information and data necessary for administration of such system as it is affected by membership in and service credited under this system.

SEC. 7. Section 20600.5 is added to said code, to read:

Age of entry

20600.5. For purposes of this chapter, the age of entry into this system as a member in any membership category for a person who enters within 60 days after last rendering service as a member of a retirement system established under the County Employees' Retirement Law of 1937 and who retains his membership in such system shall be his age at entry into such county retirement system.

SEC. 8. Section 20801.1 is added to said code, to read:

"State service"

20801.1. "State service," solely for purposes of qualification for benefits and retirement allowances under this system, shall also include service rendered as an officer or employee of a county if the salary for such service constitutes compensation earnable by a member of this system under Section 20023.1.

SEC. 9. Section 21021.5 is added to said code, to read:

Disability retirement

21021.5. A member whose membership continues under Section 20393 shall be retired for disability and receive a retirement allowance based on the service credited to him at time of retirement during any period in which he receives a disability retirement allowance under a retirement system established under the County Employees' Retirement Law of 1937, subject to the following conditions:

(1) That such allowance shall not be paid if the period intervening between the last service credited under this system and his entry into service under such other system exceeds 60 days.

(2) That such allowance shall not exceed an amount which when added to the allowance paid under such other system equals the allowance which would be paid if the member's state service were credited under such other system where retirement is for disability not arising out of or in the course of employment subject to such other system; provided, however, that the allowance shall in any event be no less than an annuity which is the actuarial equivalent of member's contributions.

(3) That such allowance shall be an annuity which is the actuarial equivalent of accumulated contributions where retirement under such other system is for disability arising out of and in the course of employment subject to such other system.

SEC. 10. Section 31559 of said code is amended to read:

Safety members Transferred employees

31559. Whenever a county or district subject to the provisions of this chapter takes over and assumes any of the functions of any other public agency, and because of such assumption all or any employees of such other public agency become employees of such county or district, any such employee whose principal duties consist of active law enforcement or active fire suppression, as defined in Sections 31469.3, 31470.2 and 31470.4, who, because of such transfer of functions, is employed in such a position in such county or district, shall become a safety member on the first day of the calendar month following his entrance into service.

SEC. 11. Section 31558.1 is added to said code, to read:

31558.1. Notwithstanding Section 31558 and regardless of age at entry into the system, a person shall become a safety member on the first day of the calendar month following his entrance into service 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, if such entry is within 60 days of last rendering service as a member of the State Employees' Retirement System or a retirement system established under this chapter in another county and the person retains his membership in such other system.

SEC. 12. Section 31620.1 is added to said code, to read:

Age at entrance

31620.1. For purposes of this article, age at time of entrance into the retirement system for a person who enters within 60 days after last rendering service as a member of the State Employees' Retirement System or another retirement system established under this chapter and who retains his membership in such other system, shall be his age at entry into such other system.

SEC. 13. Section 31630.1 is added to said code, to read:

Same

31630.1. For purposes of this article, age at time of entrance into the retirement system for a person who enters within 60 days after last rendering service as a member of the State Employees' Retirement System or another retirement system established under this chapter and who retains

his membership in such other system, shall be his age at entry into such other system.

SEC. 14. Section 31639.15 is added to said code, to read:

Same

31639.15. For purposes of this article, age at time of entrance into the retirement system for a person who enters within 60 days after last rendering service as a member of the State Employees' Retirement System or another retirement system established under this chapter and who retains his membership in such other system, shall be his age at entry into such other system.

SEC. 15. Section 31700 of said code is amended to read:

Deferred retirement allowance

31700. Any member, whether over or under the minimum age of voluntary service retirement, who leaves county service after completing five years of service or who leaves county service and within 60 days goes into service in which he is eligible to membership in the State Employees' Retirement System, or in a retirement system established under this chapter in another county, may elect in writing, within 180 days after leaving county service, to leave his accumulated contributions in the retirement fund and be granted a deferred retirement allowance to become effective either:

(a) Upon the option of the member, at any time at which he could have retired had he remained in county service in a full-time position, or

(b) Not later than the first day of the month following that in which he attains the compulsory retirement age.

SEC. 16. Section 31701 of said code is amended to read:

Withdrawal of accumulated contributions

31701. Any member may elect to rescind in writing his election and withdraw his accumulated contributions pursuant to Section 31628 at any time before the effective date of his retirement except while in service, entered within 60 days after discontinuing service under this system, as a member of the State Employees' Retirement System or a system established in another county under the County Employees' Retirement Law of 1937.

SEC. 17. Section 31720.5 of said code is amended to read:

Heart trouble

31720.5. If a safety member who has completed five years or more of service under a pension system established pursuant to Chapter 4 or under a pension system established pursuant to Chapter 5 or both or under this retirement system or under the State Employees' Retirement System or under a retirement system established under this chapter in another county, and develops heart trouble, it shall be presumed in any proceeding under this chapter, by the board and the court in the absence of evidence to the contrary, that such heart trouble is an injury or disease occurring in and arising out of his employment. Should any such member die from a heart ailment, after five years or more of service, he must be in the service of the county or district or on leave of absence on account of illness at the time of his death in order to receive the benefits of this section.

SEC. 18. Section 31461.1 is added to said code, to read:

Earnable compensation

31461.1. The average compensation during any period of service as a member of the State Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 60 days.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

SEC. 19. Section 31533 is added to said code, to read:

Exchange of information

31533. The board shall, on request of the Board of Administration of the State Employees' Retirement System or the board of retirement of a retirement system established in another county under this chapter, supply information and data necessary for the administration of such other system as it is affected by membership in and service credited under this system.

SEC. 20. Section 31641.01 is added to said code, to read:

"Service"

31641.01. "Service," solely for purposes of qualification for payment of benefits and retirement allowances, shall also include service as an employee of the State or a contracting agency under the State Employees' Retirement System or of another county having a retirement system established under this chapter, if the compensation for such service constitutes compensation earnable by a member under Section 31461.1 of this part.

SEC. 21. Section 31721.5 is added to said code, to read:

Disability retirement

31721.5. Any member who elects, pursuant to Section 31700, to leave his accumulated contributions on deposit shall be retired for disability, regardless of age or length of service, and receive a disability retirement allowance under this article based on the service credited to him at the time of retirement during any period thereafter in which he receives a disability retirement allowance under the State Employees' Retirement System or a retirement system established under this chapter in another county, subject to the following conditions:

(1) That such allowance shall not be paid if the period intervening between the last service credited under this system and his entry into service under such other system exceeds 60 days.

(2) That such allowance shall not exceed an amount which when added to the allowance paid under the other system equals the allowance which would be paid if the member's service were credited under such other system if retirement is for disability not arising out of or in the course of employment subject to such other system; provided, however, that the allowance shall in any event be no less than an annuity which is the actuarial equivalent of the member's contributions.

(3) That such allowance shall be an annuity which is the actuarial equivalent of the member's accumulated contributions where retirement under the other system is for disability arising out of and in the course of employment subject to such other system.

SEC. 22. Section 31780.5 is added to said code, to read:

Death before retirement

31780.5. Upon death before retirement of a member who has elected pursuant to Section 31700 to leave his accumulated contributions on deposit and who dies while in service as a member of the State Employees' Retirement System or a retirement system established pursuant to this chapter in another county, the death benefit provided in Section 31781 shall be paid to his designated beneficiary subject to the following conditions:

(1) That such death benefit shall not be paid if the period intervening between the last service credited under this system and his entry into service under such other system exceeds 60 days.

(2) That where death is not the result of a disease or injury arising out of and in the course of employment, the amount of such death benefit shall not exceed an amount which when added to the death benefit payable for the member under such other system equals the maximum death benefit under this system.

(3) That such death benefit shall consist solely of the member's accumulated contributions if the death is the result of disease or injury arising out of and in the course of his employment as a member of such other system.

SEC. 23. Article 4 is added to Chapter 2, Part 1, Division 2, Title 5 of said code, to read:

Article 4. Transfer of Public Functions

Definitions

53290. As used in this article:

(a) "Local agency" means city, county, or district.

(b) "Legislative body" means the board of supervisors in the case of a county or a city and county, the city council or board of trustees in the case of a city, and the board of directors or other governing body in the case of a district.

Transfer of functions

53291. Notwithstanding any law to the contrary, whenever a local agency takes over or assumes any of the functions of another local agency under a law which provides that all or any employees of such other local agency become employees of the local agency assuming the function, the governing body of the local agency assuming the function may prescribe the qualifications and conditions under which such employees will become employees of the local agency. Any employees who do not meet such qualifications or conditions shall not become employees of the local agency.

Operative date

SEC. 24. This act shall take effect on the first of the month next succeeding the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature.

CHAPTER 2400

An act making an appropriation for the Los Angeles World Trade Center, and providing for the repayment thereof.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The sum of ten thousand dollars ($10,000) is hereby appropriated from the General Fund in the State Treasury to the Los Angeles World Trade Center Authority to establish and operate the Los Angeles World Trade Center. The amount hereby appropriated shall be repaid to the General Fund out of the proceeds of the sale of the first revenue bonds sold by the Los Angeles World Trade Center Authority under the provisions of the World Trade Center Authorities Act.

CHAPTER 2401

An act making an appropriation for site acquisition for a state college.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The sum of eight hundred ninety thousand dollars ($890,000) is hereby appropriated from the General Fund to Los Angeles State College of Applied Arts and Sciences for the acquisition of additional lands for the San Fernando Valley Campus, to be expended under the provisions of the Property Acquisition Law.

CHAPTER 2402

An act to amend Sections 2201, 2208 and 2210.5 of the Streets and Highways Code, relating to financial aid for county highways.

[Approved by Governor July 15, 1957. Filed with Secretary of State July 17, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2201 of the Streets and Highways Code is amended to read:

2201. Congress has enacted the Federal-Aid Highway Act of 1950 in which federal appropriations have been authorized for projects on secondary roads of various types. By apportionment of the authorization made pursuant to the federal Apportionment of federal aid

act, it is anticipated that substantial sums will be made available for expenditures on such roads in California. The apportionment to California is to be made available for expenditure on either state highways or county highways which qualify under the federal law. County highways throughout the State are in greater need of such expenditures than are state highways on the Federal-Aid Secondary System. It is therefore, determined by the Legislature that, insofar as permissible under federal laws, rules, and regulations, at least eighty-seven and one-half percent (87½%) of the money apportioned to California for such projects as are mentioned in paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 should be expended for the improvement of county highways in this State, except that during the 1957-58 and 1958-59 Fiscal Years at least ninety-eight and one-half percent (98½%) of such moneys shall be expended for the improvement of such highways. Inasmuch as these county highways are a matter of state concern and many of the counties are financially unable to furnish funds to be used with federal funds as required by federal law, funds should be provided from state sources therefor.

SEC. 2. Section 2208 of said code is amended to read:

2208. It is in the interest of the State and its counties that at least eighty-seven and one-half percent (87½%) of the money available for construction of highways in this State pursuant to the provisions of paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 be apportioned for expenditure among the counties in the manner and in accordance with the formula prescribed in subdivision (b) of Section 4 of the Federal-Aid Highway Act of 1944 for apportionment among the states, except that the census figures used in making such apportionments shall be those shown by the latest available federal census.

Notwithstanding the percentage specified in the preceding paragraph, during the 1957-58 and 1958-59 Fiscal Years at least ninety-eight and one-half percent (98½%) of such moneys shall be so apportioned among the counties.

SEC. 3. Section 2210.5 of said code is amended to read:

Availability of funds

2210.5. The department shall pay the State's share for construction of county highways as provided in this chapter out of the money received in the State Highway Fund under Section 2108, and the money so paid shall be included in the computation of compliance with the requirements of Section 188. The funds made available by this section shall be apportioned for expenditure in the counties on the same formula as provided in paragraph (b) of Section 4 of the Federal-Aid Highway Act of 1944 for apportionment among the states; provided, however, that no county shall receive a total amount in excess of one hundred thousand dollars ($100,000) in any one year, except that during the 1957-58 and 1958-59 Fiscal Years no county shall receive a total amount in excess of two hundred thousand dollars ($200,000) each year. The depart-

ment may advance funds from the State Highway Fund, if available, as necessary to permit award of contracts at any time after January 1st preceding the beginning of the fiscal year to which the federal apportionments apply. None of the money made available by this section shall be expended on any highway, street, or road which is not a county highway, except as expressly otherwise provided in this chapter. The increase in the State's share provided for by the 1957 Regular Session of the Legislature shall be available for apportionment beginning with the 1957-58 Fiscal Year.

CHAPTER 2403

An act to add Sections 962, 963, 964, 965, and 966 to the Welfare and Institutions Code, relating to state contributions for construction of institutions for juveniles, and making an appropriation therefor.

I object to the item of the appropriation in Section 6 of Senate Bill No. 659, and I reduce the amount of said appropriation to $600,000. With this reduction I approve the bill

GOODWIN J. KNIGHT
Governor

[Approved by Governor July 15, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 962 is added to the Welfare and Institutions Code, to read:

962. From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of juvenile homes, juvenile ranch camps or forestry camps established after July 1, 1957, and for construction at existing juvenile homes, ranches, camps or forestry camps, by counties which apply therefor. Construction

SEC. 2. Section 963 is added to said code, to read:

963. "Construction" includes only construction of new buildings and initial equipment of any such buildings. It does not include architects' fees or the cost of land acquisition.

SEC. 3. Section 964 is added to said code, to read:

964. The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority, and, in no event shall it exceed three thousand dollars ($3,000) per bed unit of the new juvenile home, juvenile ranch camp or forestry camp or per bed unit added to an existing juvenile home, juvenile ranch camp or forestry camp, as the case may be. The construction project shall be deemed to have as many bed units as the number of persons it is designed to accommodate, not exceeding 100 bed units for any one project. State assistance Amount

SEC. 4. Section 965 is added to said code, to read:

965. Application for state assistance for construction funds under this article shall be made to the Youth Authority in the Application, payment

manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

Segregation of criminal minors

SEC. 5. Section 966 is added to said code, to read:

966. The juvenile court shall not place in such juvenile homes, ranch camps, or forestry camps any person described within the provisions of Section 729 of this code. This provision is made to carry out the terms of the last mentioned section wherein it is provided that in all cases the minors mentioned in that section shall be segregated from minors charged with any criminal offense under Section 700 of the Welfare and Institutions Code, or section of any other code or provision of law.

Appropriation

SEC. 6. There is hereby appropriated to the Youth Authority, out of any money not otherwise appropriated, the sum of one million one hundred thousand dollars ($1,100,000), for allocation to the counties to share in the cost of construction of institutions for juveniles pursuant to the provisions of this act.

CHAPTER 2404

An act to add Section 9651 5 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax, to take effect immediately.

In effect immediately

[Approved by Governor July 11, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

Declaration of policy

SECTION 1. It is hereby declared as a matter of legislative policy that the operation by private enterprise of passenger stage corporations, as defined by Section 226 of the Public Utilities Code, is in the public interest; that the furnishing of adequate public transportation by such common carriers, particularly in cities and suburban areas, is of vital importance to the public; and that the continuance and use of such transportation facilities should be encouraged for the additional purposes of relieving traffic congestion and reducing air pollution.

It is hereby found that during the past five years 14 such companies operating in California have been forced to abandon service and to go out of business and that others presently are contemplating such action because of continued losses that render continuance of adequate service under existing conditions impossible; that increasing operating costs have required repeated increases in fares which have resulted in a steadily declining volume of patronage; that the opportunity of earning a return of at least 6½ per centum net of gross operating revenue after all taxes properly chargeable to transportation operations, including but not limited to income taxes, would not be unreasonable; that to further the opportunity to afford such

adequate public transportation and earn such rate of return it is in the public interest to accord such common carriers a separate structure as to certain of the state taxes now applicable to them, and in particular with respect to the Motor Vehicle Transportation License Tax, therefore:

SEC. 2. Section 9651.5 is added to the Revenue and Taxation Code, to read:

9651.5. The license tax shall not apply to a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, which is subject to the jurisdiction of the Public Utilities Commission, when the motor vehicles of such passenger stage corporation are exclusively operated in urban or suburban areas or between cities in close proximity for the transportation of persons for hire, compensation, or profit; provided, however, that if the one-way route mileage at any time of any line or lines operated by such passenger stage corporation shall exceed 50 miles, then the gross receipts from such line or lines each so exceeding 50 miles of one-way route mileage shall be subject to the license tax. Exemption from license tax

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

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CHAPTER 2405

An act to add Section 6816.3 to the Public Resources Code, relating to the State Lands Act Fund, and making an appropriation.

I object to the item of the appropriation in Section 1 of Assembly Bill No 91, and I reduce the amount of said appropriation to $100,000 With this reduction I approve the bill.

GOODWIN J. KNIGHT
Governor

[Approved by Governor July 15, 1957. Filed with Secretary of State July 17, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6816.3 is added to the Public Resources Code, to read:

6816.3. After the transfer made by paragraph 1 of subdivision (c) of Section 6816 and before the transfer pursuant to paragraph (2) of subdivision (c) of Section 6816, the sum of five hundred thousand dollars ($500,000), commencing with the 1958-59 Fiscal Year, shall be transferred annually from the State Lands Act Fund and is appropriated to the Division of Forestry for basic research, field studies and operations with respect to the activities under its jurisdiction.

CHAPTER 2406

An act to add Section 6816.1 to the Public Resources Code, relating to the State Lands Act Fund, and making an appropriation.

I object to the item of the appropriation in Section 1 of Assembly Bill No 1144, and I reduce the amount of said appropriation to $100,000 With this reduction I approve the bill

GOODWIN J KNIGHT
Governor

In effect September 11, 1957

[Approved by Governor July 15, 1957 Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6816.1 is added to the Public Resources Code, to read:

6816.1. After the transfer made by paragraph 1 of subdivision (c) of Section 6816 and before the transfer pursuant to paragraph 2 of subdivision (c) of Section 6816, the sum of seven hundred fifty thousand dollars ($750,000), commencing with the 1958-59 Fiscal Year, shall be transferred annually from the State Lands Act Fund and is appropriated to the State Soil Conservation Commission for the purpose of this section.

From such moneys the commission may make grants to districts organized pursuant to Division 9 (commencing with Section 9000) of the Public Resources Code and subject to the limitations contained therein, to assist such districts in carrying out any work that they are authorized to undertake whenever the commission determines that such work is necessary for the welfare of the people of the State, including but not limited to expenditures for small watershed flood control projects and other works authorized under the provisions of Division 9 (commencing with Section 9000) of the Public Resources Code.

CHAPTER 2407

An act to add Section 25450.41 to the Government Code, relating to county work.

In effect September 11, 1957

[Approved by Governor July 15, 1957 Filed with Secretary of State July 17, 1957]

The people of the State of California do enact as follows:

SECTION 1. Section 25450.41 is added to the Government Code, to read:

25450.41. In counties containing a population of 2,000,000 or over, the provisions of Sections 25450 and 25450.4 do not apply to alteration or repair work upon county-owned buildings, if the cost of such work is under fifty thousand dollars ($50,000), and if before the work is authorized the board of

supervisors determines that detailed plans for the existing building are obsolete or do not exist and that because of the age or condition of the building it is impracticable to have detailed plans and specifications prepared for the proposed work.

CHAPTER 2408

An act to add Section 6816.7 to the Public Resources Code, relating to small craft harbors, and making an appropriation therefor.

In Assembly Bill No 3071, Section 1, I object to the appropriation of $75,000 for the 1957 Fiscal Year, and reduce the amount of said appropriation to $40,000 In the same section I further object to the appropriation of $500,000 for the 1958-59 and succeeding fiscal years and eliminate such appropriation With this reduction of one item and the elimination of the other I approve the bill

GOODWIN J. KNIGHT
Governor

[Approved by Governor July 15, 1957 Filed with Secretary of State July 17, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6816.7 is added to the Public Resources Code, to read:

6816.7. Immediately after the appropriation made by subdivision (b) of Section 6816 and before the transfer pursuant to subdivision (c) of Section 6816, the Controller shall transfer from the State Lands Act Fund the sum of seventy-five thousand dollars ($75,000) for the 1957-58 Fiscal Year and the sum of five hundred thousand dollars ($500,000) each year, beginning with the 1958-59 Fiscal Year and for each of the four succeeding fiscal years thereafter, to the Small Craft Harbors Revolving Fund or to any successor fund thereof, for expenditure by the agency authorized to acquire, develop, maintain, and operate small craft harbors.

CHAPTER 2409

An act to add Section 213 to the Health and Safety Code, relating to the Department of Public Health, and making an appropriation therefor.

[Approved by Governor July 16, 1957 Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 213 is added to the Health and Safety Code, to read:

213. The State Department of Public Health shall enforce the provisions of Section 383b of the Penal Code.

SEC. 2. There is hereby appropriated to the Department of Public Health the sum of twenty thousand dollars ($20,000) from the General Fund.

CHAPTER 2410

An act to amend Section 3812 of the Elections Code, relating to the order of measures on the ballot.

In effect September 11, 1957

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3812 of the Elections Code is amended to read:

3812. The order in which all measures which are to be submitted to the voters shall appear upon the ballot is as follows:

(a) Legislative proposals in the order determined by the Secretary of State.

(b) Initiative measures in the order in which they qualify.

(c) Referendum measures in the order in which they qualify.

CHAPTER 2411

An act to add Section 2020.002, and Part 2, comprising Chapter 1, Sections 4000 to 4192, inclusive, to Division 5 of, and to amend Sections 7.5, 103.4, 103.5, 114.5, 118.2, 119.5, 145, 145.1, and 145.4 of, the Welfare and Institutions Code, and to amend Section 29802 of the Government Code, relating to public assistance.

In effect September 11, 1957

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2020.002 is added to the Welfare and Institutions Code, to read:

Additional amount

2020.002. Any recipient who pursuant to Section 2020 of this code receives less than one hundred five dollars ($105) per month from the total of his grant and income from all other sources shall be granted an additional amount of aid not to exceed sixteen dollars ($16) per month or so much thereof as is necessary to meet the actual needs of the recipient but in no event shall the sum of his grant and income exceed one hundred five dollars ($105) per month except as provided by Section 2020 of this chapter.

SEC. 2. Part 2 is added to Division 5 of the Welfare and Institutions Code, to read:

PART 2. DISABLED PERSONS

CHAPTER 1. AID TO THE NEEDY DISABLED

Article 1. General Provisions

Definitions

4000. When used in this chapter the following words shall have the meanings ascribed to them in this section:

(a) "Needy disabled person" means a person who meets the eligibility requirements set forth in this chapter and who is both permanently impaired and totally disabled.

(b) "Permanently impaired and totally disabled" means suffering from a major physical or a major mental impairment, not a psychosis, or a combination of both which is verifiable by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement. Such permanently impaired and totally disabled person shall not be qualified under this chapter unless he requires constant and continuous care.

A person needing constant and continuous care is one who is bedfast, chairbound, or in need of physical assistance without which the daily regimen could not continue or whose mental or physical impairment makes continuous supervision essential.

The definitions of terms as provided for in this section shall not be liberally construed as if such terms were used in contracts, but the definitions of such terms shall be strictly construed.

Departmental policy

4002. In administering this chapter the Department of Social Welfare shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become wholly or partially self-supporting. The policy shall be followed of granting the aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.

Subsequent laws

4003. All aid granted under the provisions of this chapter is granted and 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 Department of Social Welfare. No recipient under this chapter shall have any claim for compensation or otherwise because his aid 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 and regulations.

Alienability

4004. All aid given under this chapter shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise and in case of bankruptcy the aid shall not pass through any trustee or other person acting on behalf of creditors.

Criminal conduct

4005. 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, is guilty of a misdemeanor.

Whenever any person has illegally obtained aid under this chapter, he shall make restitution, and all actions necessary to secure restitution may be brought against him.

4006. Any person who knowingly violates any provision of this chapter for which no penalty is specifically provided is guilty of a misdemeanor.

Statutory construction

4007. Nothing in this chapter shall be construed as repealing any law or part of a law providing for the support of the poor except insofar as inconsistent therewith, and the provisions of this chapter shall be construed as an additional method of supporting and providing for the needy disabled.

Article 2. State, County, and Federal Aid

Amount of payments

4020. For needy disabled persons qualifying for aid under the provisions of this chapter there shall be paid an amount equivalent to the actual need of the recipient, but not to exceed the maximum amount payable to a recipient of aid under Chapter 1 of Division 3 of this code.

The State Social Welfare Board shall establish a standard of assistance, within the limits set forth in this section, which will enable each recipient to maintain a standard of living compatible with decency and health.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed not more than two months beyond the month in which the recipients reported the change in circumstances.

County contributions

4021. When state and federal funds are available for this program each county shall contribute an amount equal to the total assistance paid to disabled persons who come within the provisions of this chapter, after deducting the amount of federal funds paid for the assistance of such persons, and after deducting the amount of state funds made available for the assistance of such persons, and shall further contribute an amount equal to the amount necessary for the proper and efficient administration of this chapter in the county after deducting therefrom the amount of federal funds allowed to the county for the cost of administration.

Board of supervisors

4022. The board of supervisors of every county, in addition to its other powers and duties in relation to the care and support of the poor, as provided by law, shall receive and act upon application for aid under and in accordance with this chapter and shall provide funds in its county treasury, and shall do all other acts and things necessary for the purposes of carrying out the provisions of this chapter insofar as such provisions relate to such county.

4023. 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 the rules and regulations of the State Department of Social Welfare. Apportionment of state funds

4024. The Governor of the State of California may enter into and execute on behalf of this State all necessary agreements in connection therewith which may be required by the United States Government. Any money refunded under the provisions of this chapter shall be paid to the county, to the State, and to the United States Government. The Federal Government shall be entitled to a share of any amounts collected from recipients or from their estates proportionate to the amount of federal funds paid, which proportionate share may be specified by the State Department of Social Welfare. The amount due the United States shall be paid promptly by the State to the United States Government and the remainder shall be paid to the county and the State in the proportion that each may have contributed to the aid granted. Governor, refunds

4025. Aid shall be granted under this chapter only for and during such time as grants-in-aid are provided or made available to the State by the Social Security Act or other federal legislation for aid to the disabled on the basis of a state plan which has been approved by the Federal Government.

4026. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county within this State for maintaining or supporting needy disabled persons who come within the provisions of this chapter, aid not in excess of a sum equal to six-sevenths of the grant made pursuant to Section 4020 of this chapter to every such needy disabled person, after deducting therefrom the amount of any sum received from the United States Government as aid to the permanently and totally disabled in respect to such needy disabled person, each month for each such needy disabled person maintained or supported by such county.

Article 3. Administration

4135. The State Department of Social Welfare shall make the final determination as to permanent impairment and total disability. Determination of disability, etc

4140. The State Department of Social Welfare shall prescribe the forms and reports and such rules and regulations as are necessary for carrying out the provisions of this chapter, and not inconsistent therewith. Such rules and regulations shall be binding upon the boards of supervisors of the various counties. Reports, rules, etc

4145. No rule or regulation shall be adopted or continued in force the operation of which results in discrimination against treatment by prayer or spiritual means in the practice of the religion of any bona fide church, sect, denomination, or organization. Religion

Advisory committee

4150. The Social Welfare Board shall appoint an advisory committee consisting of not more than nine persons which shall serve in a consulting capacity. 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 on the medical and rehabilitative aspects of aid to the disabled under this chapter.

Article 4. Persons Eligible for Aid

Eligibility for aid

4160. Aid shall be granted under this chapter to any needy disabled person who comes within all of the following descriptions:

(a) Who has attained the age of 18 years.

(b) Who is a citizen of the United States or who has resided continuously in the United States since January 1, 1932; provided, that aid shall not be granted to any alien who has been convicted of an overt act against the Government of the United States; provided further, that any noncitizen who applies for aid under this chapter shall declare under oath that he desires to become a citizen of the United States and shall annually thereafter submit evidence that he is proceeding diligently within the limits of his ability to qualify for citizenship.

(c) Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application.

(d) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(e) Who is not at the time of receiving such aid a patient in an institution for tuberculosis or mental disease, a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis, an inmate of a public institution of a custodial (nonmedical), penal, or correctional character, or an inmate of a federal medical institution. Any such inmate or patient, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate or patient, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of the application The applicant may remain an inmate or patient until he receives his first monthly payment, whereupon he shall cease to be such inmate or patient.

(f) Who is not receiving adequate support from a husband or wife, or parent, or child able and responsible under the laws of this State to furnish such support.

Other aid

4160.5. No aid shall be granted under this chapter to any individual with respect to any period with respect to which he is receiving old age security, aid to the needy blind, aid to partially self-supporting blind residents or aid to needy children.

Cost of examinations

4161. No applicant for or recipient of aid under this chapter shall be required to pay any part of the cost of any examination required under this chapter or the rules and regulations made thereunder for the granting or continuance of aid. The costs of all such examinations shall be paid by the county in the same manner as other expenses of the county are paid.

Personal property

4162. No aid under this chapter shall be granted or paid to any person who owns personal property, the value of which, less all encumbrances of record, exceeds six hundred dollars ($600).

Real property

4163. 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 by an applicant or recipient shall be utilized to provide for the current or future needs of the applicant or recipient.

4164. 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).

4165. In computing the value of property under Section 4164, ownership of separate property by a spouse with whom the applicant or recipient is not living shall not preclude the applicant or recipient from receiving the aid provided in this chapter.

Personal effects

4166. For the purposes of this chapter the term personal property shall not include the value of personal effects of the applicant or recipient. Personal effects include clothing, furniture, household equipment, foodstuffs, fuel and personal jewelry.

Article 5. Procedure

Application for aid

4180. Application for aid under this chapter shall be made to the board of supervisors in the county in which the applicant resides as specified in Section 4190. All persons wishing to make application for aid shall be given the opportunity to do so and aid shall be granted with reasonable promptness to all eligible persons.

Board action

4181. The board of supervisors, directly or through an authorized agent, shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation and determine whether or not the applicant is eligible for aid except as to disability which shall be handled as specified by Section 4181.5.

Reports; department action

4181.5. The county shall upon application and periodically as required submit a complete report, with a recommendation as to eligibility, of the medical information and other essential facts relative to the determination of permanent impairment and total disability to the State Department of Social Welfare for decision.

If the State Department of Social Welfare finds the person to be disabled in accordance with the definitions set forth in Section 4000 the county shall, if the person is otherwise eligible, authorize aid as soon as administratively possible.

Payment

4182. If the applicant is found to be eligible, payment shall be made promptly and aid shall be granted to him from the first day of the month in which the determination is made that he is eligible but in no event shall the aid commence prior to the date of application.

Advancing funds to counties

4185. The method of computing and advancing funds to counties shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, compute the amount to be advanced each month of the quarter both as to state funds and funds made available by the United States Government.

(b) The computation shall be based upon the most recent claims filed by the county as adjusted by anticipated trends in case loads and average monthly grants.

(c) Amounts to be advanced shall be adjusted by the amount by which the estimate for any prior quarter was greater or less than the amount which should have been advanced to the county for such quarter.

(d) Upon certification by the State Department of Social Welfare of the amounts to be advanced to each county, the State Controller shall draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare and the State Controller, the State Treasurer shall pay to each county the amount so certified.

(e) With respect to funds made available by the United State Government for the cost of administration no county shall receive a smaller proportion of such funds than the proportion the actual administrative expenditures of such county bears to the combined expenditures for administration of all counties and the State.

Reports

4188. (1) Reports of aid to needy disabled paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare. (2) Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 4185.

Aid by relatives

4189. If any applicant receiving aid under the provision of this chapter has a spouse, parent, or adult child, pecuniarily able to support him, either in whole or in part, upon the failure of such kindred to perform their duty to support the disabled

person the board of supervisors shall request the district attorney or other civil legal officer of the county to proceed against the kindred in the order named.

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.

County responsibility

4190. County residence is not a qualification for aid under this chapter.

County responsibility for making aid payments is determined as follows:

(a) The county where the disabled person lives, or if the disabled person is a minor where the parents, relative or person in loco parentis providing a home and care for such disabled minor lives, shall accept the application and shall be responsible for paying the aid.

(b) Responsibility for payment of aid to any disabled person qualifying for and receiving aid from any county who removes to another county in this State to make his home, shall be transferred to the second county as soon as administratively possible but not later than the first day of the month following 60 days after notification to the second county.

Board of supervisors

4191. The county board of supervisors at any time when it appears to its satisfaction after investigation that a person is receiving aid to which he is not entitled, or receiving aid in a greater or lesser amount than he should receive, may cancel, suspend, revoke, increase, or decrease such aid as the case may warrant under the terms of this chapter and the rules and regulations made thereunder.

Appeal

4192. If any applicant for or recipient of aid under this chapter is dissatisfied with the action of the board of supervisors, or if his application is not acted upon with reasonable promptness, he shall, 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, in accordance with Section 104.1.

SEC. 3. Section 7 5 of said code is amended to read:

Delegation of authority

7.5. The director, or person by whatever title designated, who acts as a director of a county agency carrying out the provisions of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 2 of Division 4, Chapters 1 and 3 of Part 1 of Division 5, and Chapter 1 of Part 2 of Division 5 of this code may authorize his representative or representatives to take

such affidavits and administer such oaths as Part 2 of Division 2, Chapter 1 of Division 3, Chapter 2 of Division 4, Chapters 1 and 3 of Part 1 of Division 5 and Chapter 1 of Part 2 of Division 5 of this code require.

SEC. 4. Section 103.4 of said code is amended to read:

Continued absence

103.4. For the purposes of the provisions of this code relating to public assistance, including but not limited to aid to the aged, aid to needy children, aid to the needy disabled, aid to needy blind, and aid to partially self-supporting blind residents, the continued absence of a recipient of public assistance from this State for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this State. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons for purposes of this chapter. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this State, his aid shall be terminated immediately.

SEC. 5. Section 103.5 of said code is amended to read:

Public policy

103.5. It is hereby declared that provision for public aid to the needy aged, aid to dependent children, and aid to the needy disabled as in this code provided is a matter of state-wide concern.

The department is hereby designated as the single state agency with full power to supervise every phase of the administration of the public assistance plans for which grants-in-aid are received from the United States Government in order to secure full compliance with the provisions of Titles 1, 4, and 14 of the Federal Social Security Act.

SEC. 6. Section 114.5 of said code is amended to read:

Publication

114.5. The department shall cause to be published and made available for sale to the public at the cost of publishing all of its rules and regulations relating to:

(a) The government of the department.

(b) Any form of public assistance for which state aid is granted to the counties of the State, and over the administration of which the department has supervision, including aid to the aged, aid to needy children, aid to the needy blind, aid to the needy disabled, and aid to partially self-supporting blind residents.

The department shall also provide at cost such subscription service as may be necessary to assure to purchasers of the printed rules and regulations prompt receipt of all additions and amendments to the rules and regulations of the department.

SEC. 7. Section 118.2 of said code is amended to read:

Warrants' Use of certain words

118.2. Notwithstanding any provisions of Sections 29800 and 29805 of the Government Code, warrants payable to recipients of old age security, aid to the needy blind, aid to the needy disabled, aid to partially self-supporting blind residents,

or aid to needy children shall not include any word or abbreviation indicative of aid, assistance, charity, needy, support, or welfare. Nothing in this section prohibits the use of code numbers or other code symbols used and understood by county officers and agencies to identify the purpose and liability for which such warrants are drawn, if such code numbers or other code symbols are not generally so understood by the public.

The State Board of Social Welfare may make such rules and regulations concerning the contents of such warrants as may be necessary to carry out the provisions of this section.

SEC. 8. Section 119.5 of said code is amended to read:

119.5. For the purposes of the administration of aid to needy children under Chapter 1 of Part 2 of Division 2, aid to the aged under Chapter 1 of Division 3, and aid to the needy disabled under Chapter 1 of Part 2 of Division 5 the State Board of Social Welfare shall establish and maintain personnel standards on a merit basis (including therein standards of qualifications, competency, education, experience, tenure and compensation) necessary for the proper and efficient administration of the cited portions of this code which standards shall be applicable to the counties, as agents of the State for the purposes of administering state and federal funds provided for assistance under the cited portions of this code, in employing personnel for such purposes. Personnel standards

In the exercise of its functions under this section, the State Board of Social Welfare shall exercise no authority with respect to the selection, tenure of office and compensation of any individual if he is employed in accordance with such standards.

Nothing in this section shall prevent any county from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to those employees engaged in the administration of state and federal funds granted to a county as agent of the State for the cited portions of this code, the State Department of Social Welfare shall have a supervisory power to insure compliance with the personnel standards established to the end that this State shall at all times conform to the requirements of federal law for the continued receipt of federal grants-in-aid.

SEC. 9. Section 145 of said code is amended to read:

145. The purpose of this chapter is to provide for the continued operation of the state plans for aid to the aged, the needy blind, aid to the needy disabled, and needy children in the event that federal assistance therefor is temporarily delayed or not available, without the changes and modifications in such plans provided for in this code as a consequence of the withdrawal of federal assistance for such aid from this State. Purpose

SEC. 10. Section 145.1 of said code is amended to read:

145.1. As used in this chapter "joint public assistance" means the aid to needy children, aid to the aged, aid to the blind, and aid to the needy disabled provided pursuant to "Joint public assistance"

Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 1 of Part 1 of Division 5, and Chapter 1 of Part 2 of Division 5 of this code, and "eligible recipient" means any person eligible for such joint public assistance under said chapters.

SEC. 11. Section 145.4 of said code is amended to read:

Federal assistance

145.4. The sums appropriated by Section 145.3 shall be considered for all the purposes of Chapter 1 of Division 1, Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 1 of Part 1 of Division 5, and Chapter 1 of Part 2 of Division 5 of this code, to be "federal assistance" and "grants-in-aid" from the United States Government for aid to needy children, aid to the aged, aid to the needy blind, and aid to the needy disabled, respectively, and shall not be considered to be state moneys or appropriations from the State Treasury for the purposes of those chapters. All such sums shall be subject to all of the provisions of said chapters applicable to funds received by this State from the United States Government, and all of the provisions of said chapters shall be construed and applied in every respect as if such funds had been in fact received by this State from the United States Government. However, none of such sums shall be considered for any purpose to be federal assistance or grants for the cost of administering joint public assistance.

SEC. 12. Section 29802 of the Government Code is amended to read:

Warrants. Period of validity

29802. Any warrant issued for the giving of aid and payable to an indigent, a needy aged person, a needy child, a needy disabled person, or a needy blind person, or issued for the giving of such aid and payable to the guardian, trustee, disbursing agent, or any custodian of the funds or estate of any of them is void if not presented to the county treasurer for payment within six months after its date.

Any other warrant is void if not presented to the county treasurer within two years after its date.

Whenever, under the provisions of this section, warrants drawn on trust funds become void, the moneys in the county treasury represented by such warrants may be transferred to the general fund of the county by the county auditor unless disposition is otherwise provided by law.

If within five years from the date on which the original warrant became void, the payee on such a warrant presents such void warrant to the county auditor or makes affidavit that such warrant has been lost or destroyed, the county auditor shall transfer the money represented by such warrant back to the trust fund and shall draw a new warrant in favor of the payee in the same amount as the original warrant. Any such new warrant shall be subject to the limitations of presentation within two years. No warrant shall be so reissued more than once.

Operative date

SEC. 13. This act shall become operative October 1, 1957.

CHAPTER 2412

An act to add Chapter 8 (commencing at Section 4050) to Part 1 of Division 5 of the Health and Safety Code, relating to water reservoirs.

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing at Section 4050) is added to Part 1 of Division 5 of the Health and Safety Code, to read:

CHAPTER 8. RECREATIONAL USE OF WATER SUPPLY RESERVOIRS

Policy

4050. It is hereby declared to be the policy of this State that multiple use should be made of all public water within the State, to the extent that such multiple use is consistent with public health and public safety. "Multiple use," as used in this section, includes domestic, industrial, agricultural, and recreational uses.

"Recreational use"

As used in this chapter "recreational uses" shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant.

Public reservoirs

4051. All water supply reservoirs of a public agency, whether heretofore or hereafter constructed, shall be open for recreational use by the people of this State, subject to the regulations of the State Department of Public Health.

Definitions

4052. The term "reservoir" does not include ditches, canals or any similar type of water distributing facility.

4053. "Public agency" as used in this chapter means the State or any city other than a chartered city, county, public district or other public institution.

Fees

4054. The public agency operating any water supply reservoir which is open for recreational use pursuant to this chapter may charge a use fee to cover the cost of policing the area around such reservoir, including the cost of providing the necessary sanitary facilities and other costs incidental to the recreational use of such reservoir.

Terminal reservoirs

4055. This chapter does not apply to terminal reservoirs for the supply of domestic water.

CHAPTER 2413

An act to add Sections 4462, 4463, 4464, 4465, 4466, 4467, and 4468 to the Health and Safety Code, relating to public fishing in publicly owned domestic water supply reservoirs.

In effect September 11, 1957

[Approved by Governor July 10, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4462 is added to the Health and Safety Code, to read:

Public fishing

4462. A city, city and county, district or other public agency, owning or operating a reservoir used for domestic or drinking water purposes, may open to public fishing all or any part of the reservoir and its surrounding land.

SEC. 2. Section 4463 is added to said code, to read:

Purity, etc., of water

4463. Before the reservoir and its surrounding land are opened to public fishing the public agency owning or operating the reservoir shall determine that such public fishing will not affect the purity and safety for drinking and domestic purposes of the water collected in the reservoir, and shall obtain from the State Board of Public Health a valid water supply permit setting forth the terms and conditions upon which public fishing may be conducted in the reservoir and on its surrounding land.

SEC. 3. Section 4464 is added to said code, to read:

Excluded reservoirs

4464. Public fishing shall not be conducted in a reservoir or on its surrounding land if the reservoir is used as a regulating reservoir to meet daily or peak consumption demands and as a terminal reservoir to a water collecting facility and as a distribution reservoir from which water may be supplied for drinking or domestic purposes without full purification treatment after withdrawal from the reservoir.

SEC. 4. Section 4465 is added to said code, to read:

Fees

4465. The public agency owning or operating the reservoir may establish and collect fees, including charges for motor vehicle parking, for the construction and operation of structures, facilities and equipment and the operation and use of the reservoir and its surrounding lands for public fishing.

Power to contract

The public agency may contract with any agency or department of the Federal Government or the State, with other public agencies or with private individuals for the construction, operation and use of structures, facilities and equipment and the performance of services necessary or convenient to public fishing in the reservoir and on its surrounding land, including the rental, lease or permission to use portions of the reservoir and its surrounding lands for structures, facilities and equipment necessary or convenient for the use of the public.

Rules, etc

The public agency may establish and enforce all rules and regulations necessary or convenient to the conducting of public fishing on the reservoir and its surrounding land and for the

control, operation and protection of the reservoir, its surrounding land and all structures, facilities and equipment in connection with the reservoir.

SEC. 5. Section 4466 is added to said code, to read:

Publication, notice

4466. The public agency shall cause a copy of such rules and regulations to be posted upon the area opened to public fishing and other recreational uses, and it shall cause the rules and regulations to be published at least once in a newspaper of general circulation published in the county in which such reservoir is in whole or in part situated, if there be such a newspaper, otherwise in a newspaper of general circulation published within the area of such public agency. Such posting and publication shall be sufficient notice to all persons. The affidavit of the secretary, clerk or corresponding officer of the public agency that such rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by the secretary, clerk or corresponding officer of the public agency shall be prima facie evidence that the rules and regulations have been made by the public agency as provided by law.

SEC. 6. Section 4467 is added to said code, to read:

Criminal conduct, jurisdiction

4467. Any violation of any such rule or regulation lawfully made by the public agency is a misdemeanor. Any judge of a justice court within any judicial district within which such reservoir lies in whole or in part, or any municipal court within such district, shall have jurisdiction of all prosecutions for violations of any such rules and regulations adopted by the public agency.

SEC. 7. Section 4468 is added to said code, to read:

Reservoir allowing fishing

4468. The provisions of Sections 4462 to 4467, inclusive, shall not apply to reservoirs used for domestic or drinking water purposes which are open to fishing or recreational uses on September 11, 1957, or which have been open to fishing or recreational uses prior to that date.

CHAPTER 2414

An act to amend Section 13581 of the Government Code, relating to State Printing Office employees.

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 13581 of the Government Code is amended to read:

13581. Pressmen, typographers, linotypers, compositors, bookbinders, lithographers, engravers, apprentices and assistants and all other employees of the State Printing Plant employed in allied work shall be paid on an hourly wage basis. The basic wage of such employees shall be the same hourly

wage paid to persons in similar and comparable employment by private business in the City of Sacramento. In addition to such wages, and the rights and privileges afforded state employees under the provisions of the State Civil Service Act, and other statutes, there shall be paid to each such employee of the State Printing Plant, either directly or to a health and welfare fund on his behalf, an amount equal to the contributions paid to health and welfare plans to employees in comparable employment by private business in the City of Sacramento.

CHAPTER 2415

An act to add Section 9575.6 to and repeal Section 9575.5 of the Business and Professions Code, relating to the State Board of Dry Cleaners, making an appropriation therefor, to take effect immediately.

In effect immediately

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 9575.5 of the Business and Professions Code is repealed

SEC. 2. Section 9575.6 is added to said code, to read:

Appropriation

9575.6. The sum of fifty thousand dollars ($50,000), is hereby appropriated from the unexpended balance of the appropriation made by Section 9575.5 to the extent such funds are available and then from the balance of the Dry Cleaners' Fund available under subdivision 2, Section 9575, Business and Professions Code, for expenditure for support of the State Board of Dry Cleaners, to be expended during the 1957-1958 and 1958-1959 Fiscal Years. This amount may be expended at the rate of not more than twenty-five thousand dollars ($25,000) during any one such fiscal year, for the purpose of contracting with any college or university supported, in whole or in part, by the State of California, for conducting research and to disseminate to the dry cleaning industry and the general public information on the factors involved in the cleaning and the maintenance of fabrics, including those made from or containing synthetic fibers as well as natural fibers, such as wool, cotton, or other such fibers, and the effect of cleaning procedures on the properties, life, and wearing qualities of fabrics.

Current expenses

SEC. 3. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 2416

An act making an appropriation providing for studies and plans with respect to the San Mateo-Hayward Toll Bridge.

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary, is hereby appropriated out of the State Highway Fund in the State Treasury to the Department of Public Works for the preparation of surveys, plans, estimates, the obtaining of traffic and financial studies, and any and all other work or reports found by the department to be necessary preliminary to the issuance of bonds under the California Toll Bridge Authority Act for improvements to the existing San Mateo-Hayward Bridge or the construction of a new crossing parallel to it so as to at least double the present capacity thereof.

The California Toll Bridge Authority shall return this appropriation, or so much thereof as may be used, together with interest thereon at such rate, not to exceed 5 percent per annum, as may be determined by the Director of Finance, taking into consideration the rate of interest currently obtained on state investment funds. Such interest shall be computed from the first day of the fiscal year following the date of withdrawal on the total amount withdrawn during any one fiscal year, to the State Highway Fund, from the proceeds of the first sale of revenue bonds issued for the work above described, pursuant to the provisions of the California Toll Bridge Authority Act.

CHAPTER 2417

An act to add Sections 12895 and 12896 to the Water Code, relating to the planning, construction, operation, maintenance, and financing of water projects, including the new Melones Project and the new Hogan Project.

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 12895 is added to the Water Code, to read:

12895. The Department of Water Resources is authorized to participate and cooperate with the United States in the planning of construction, operation, maintenance, and financing of projects that are in substantial conformity with The California Water Plan.

California Water Plan

SEC. 2. Section 12896 is added to said code, to read:

Projects Melones and Hogan

12896. Under the policy established in Section 12895, the department is authorized to participate and cooperate with the United States in the planning of construction, operation, maintenance, and financing of the new Melones Project on the Stanislaus River and the new Hogan Project on the Calaveras River.

Statutory construction

SEC. 3. Nothing contained in Section 1 of this act shall be deemed authorization for expenditure of funds for construction unless such expenditure is specifically authorized by the Legislature.

CHAPTER 2418

An act to amend Section 19624 of the Business and Professions Code and to add Section 94.6 to the Agricultural Code, relating to fairs, and making an appropriation.

In effect September 11, 1957

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 19624 of the Business and Professions Code is amended to read:

Annual appropriation

19624. The first balance of the fund is hereby annually appropriated as follows:

(a) Five percent for payment to and use of those certain fruit fairs defined in Section 94 of the Agricultural Code, but not to district agricultural associations, district or county fairs, for the purpose of conducting and carrying on annually citrus fruit fairs and expositions to promote and encourage the citrus fruit industry of this State.

Of said 5 percent, one hundred fifty thousand dollars ($150,000) thereof is appropriated and allocated annually to those certain citrus fruit fairs and expositions defined in Section 94 of the Agricultural Code held in counties having a population in excess of 160,000 as shown by the last federal census, according to population, and if there be but one of such fairs held in counties having a population in excess of 160,000 then the whole of said one hundred fifty thousand dollars ($150,000) is appropriated and allocated to and for the use of such citrus fruit fair. The balance of said 5 percent is appropriated and allocated to the citrus fruit fairs defined in Section 94 of the Agricultural Code (if any there be), held in counties having a population of less than 160,000 and to those other citrus fruit fairs and expositions in such counties having a population of less than 160,000 which have been conducted and carried on annually for not less than 20 years by nonprofit associations or corporations for the purpose of promoting and encouraging the citrus fruit industry of California; each such citrus fruit fair held in counties having a population of less than 160,000 shall receive thirty thousand dollars ($30,-

000) each year. The balance of the 5 percent remaining after the foregoing appropriations and allocations shall revert to and become a part of said first balance of the fund.

(b) Forty percent for the encouragement of county, district, or combined county and district agricultural fairs (exclusive of the State Fair, the Los Angeles County Fair, the Sixth District Agricultural Association and citrus fruit fairs) to be apportioned by and expended under the supervision of the Department of Finance in the manner and for the purpose prescribed by Section 92 of the Agricultural Code and other applicable provisions of law but no such county, district or combined county and district agricultural fair shall receive a sum greater than sixty-five thousand dollars ($65,000) under Section 92 of the Agricultural Code in any one year.

If in any year the sum appropriated to county, district or combined county and district agricultural fairs under this section is less than two hundred twelve thousand one hundred seventy-two dollars and seventy-nine cents ($212,172 79), then during that year the apportionment to all fairs shall be made in the manner and upon the basis prescribed by Section 13 of Chapter 769 of the Statutes of 1933 and by Section 92 of the Agricultural Code.

SEC. 2. Section 94.6 is added to the Agricultural Code, to read:

94.6. Associations mentioned in Section 94 of this code and citrus fruit fairs eligible to receive allocations under Section 19624 of the Business and Professions Code shall file a detailed statement of 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. Statements of operations

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CHAPTER 2419

An act to consolidate and revise the Education Code, and making an appropriation to carry out the provisions of this act.

[Approved by Governor July 16, 1957. Filed with Secretary of State July 17, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. There is hereby created a Joint Legislative Committee for the Revision of the Education Code. The committee consists of three Members of the Assembly appointed by the Speaker, and three Members of the Senate appointed by the Committee on Rules. Committee for Revision of Education Code

The Members of the Legislature appointed to the committee shall serve at the pleasure of the appointing power and vacancies shall be filled by the appointing power. For the purposes of this act, said Members of the Legislature shall con-

stitute a joint interim investigating committee on the subject of this act and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

Scope, report

SEC. 2. The committee shall prepare a complete revision of the Education Code of the State of California and shall submit a report and recommendation to the Legislature.

Staff

SEC. 3. The committee may appoint a secretary and such other employees, including attorneys, as may be necessary to complete its work.

Information, etc

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and every political subdivision, county, city, or public district of or in this State, shall give and furnish to the committee upon request such information, records, and documents as the committee deems necessary or proper for the achievement of its purposes.

Appropriation

SEC. 4. There is hereby appropriated for the fiscal year beginning July 1, 1957, sixty-five thousand dollars ($65,000) from the General Fund to be expended to carry out the purposes of this act.

Expenditures from this appropriation are not subject to the provisions of Sections 13320 and 16003 of the Government Code, except that the Controller is not required to draw his warrants thereon until the original claims, certified as provided in the Joint Rules of the Senate and the Assembly, are filed with him.

CHAPTER 2420

An act making an appropriation for the development of parks, historical monuments, and recreational areas.

I object to the item of the appropriation in Section 1 of Assembly Bill No. 96, and I reduce the amount of said appropriation to $40,000. With this reduction I approve the bill.

GOODWIN J. KNIGHT
Governor

In effect September 11, 1957

[Approved by Governor July 17, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated the sum of seventy thousand dollars ($70,000), payable from the State Park Fund to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of a site and establishment of a state park in Amador County, to include the communal Indian grinding rock near Volcano, approximately one mile north of State Highway 88.

SEC. 2. The appropriation made by this act is available for expenditure without regard to fiscal years.

CHAPTER 2421

An act to add Section 69744.5 to the Government Code, relating to the superior court.

[Approved by Governor July 17, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 69744.5 is added to the Government Code, to read:

69744.5. When the judge, or a majority of the judges, of the superior court deem it necessary or advisable, by order filed with the county clerk and published as he or they prescribe, he or they may direct that the court be held at least once a week at any designated place in the county, not less than 45 miles distant from the county seat, measured by air line. The place designated shall be within a judicial district, composed wholly of unincorporated territory, with a population of more than 40,000 as determined pursuant to Section 71043. The judge or a majority of the judges may limit the type of judicial proceedings which may be heard by the court at such place to probate matters and matters relating to domestic relations.

CHAPTER 2422

An act to amend Section 70142 of the Government Code, relating to the qualifications of superior court commissioners.

[Approved by Governor July 17, 1957. Filed with Secretary of State July 17, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 70142 of the Government Code is amended to read:

70142. Every court commissioner shall be a citizen of the United States, a resident of this State, and, if required by the court for which he is to be a commissioner, shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his appointment. He shall hold office during the pleasure of the court appointing him.

CHAPTER 2423

An act to add Chapter 2.6, commencing with Section 4260, to Part 2, Division 5 of the Health and Safety Code, relating to garbage and refuse dumps.

In effect September 11, 1957

[Approved by Governor July 17, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.6 is added to Part 2, Division 5 of the Health and Safety Code, to read:

CHAPTER 2.6. GARBAGE AND REFUSE DUMPS

4260. No city, county, district, or public or municipal corporation shall acquire and operate or cause to be acquired and operated a dump or site for the disposal of garbage or refuse, or transfer station or collection point for garbage or refuse, within a city without the consent of the city council, or within the unincorporated area of a county without the consent of the board of supervisors.

CHAPTER 2424

An act to amend Section 3305 of the Penal Code, Section 8005 of the Business and Professions Code, Sections 10204, 11550, 11562, 11563, 12001, 12302, and 15003 of the Government Code, Section 1156 of the Harbors and Navigation Code, Section 145 of the Labor Code, Section 1518.2 of the Military and Veterans Code, Section 21205 of the Public Utilities Code, and Sections 186, and 13050 of the Water Code, to amend and renumber Section 150 of the Water Code, and to repeal Sections 11551, 11552, 11553, 11554, 11555, 11555.5, 11556, 11557, 11558, 11559, 11560, and 11561 of, and to add Sections 1322, 11550.5, 11551, 11552, 11553, 11554, 11555, 11556, 11557, 11558, and 11559 to, and to add Article 3 (consisting of Section 11570) to Chapter 6 of Part 1 of Division 3 of Title 2 of, the Government Code, relating to salaries and expenses of state officers.

In effect September 11, 1957

[Approved by Governor July 15, 1957. Filed with Secretary of State July 17, 1957.]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Sections 11551, 11552, 11553, 11554, 11555, 11555.5, 11556, 11557, 11558, 11559, 11560, and 11561 of the Government Code are repealed.

SEC. 2. Section 8005 of the Business and Professions Code is amended to read:

Powers of board

8005. The board is charged with the executive functions necessary for effectuating the purposes of this chapter. It may

appoint such committees as it deems necessary or proper, and the board may appoint, prescribe the duties, and fix the salary, which in no event shall exceed two thousand four hundred dollars ($2,400) per annum, of an executive secretary, who may be employed on a part-time basis. The board may also employ such other employees as may be necessary, subject to civil service and other provisions of law.

SEC. 3. Section 10204 of the Government Code is amended to read:

10204. The annual salary of the Legislative Counsel is nineteen thousand dollars ($19,000). The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties. Salaries Legislative Counsel

SEC. 4. Section 11550 of said code is amended to read:

11550. An annual salary of twenty-seven thousand five hundred dollars ($27,500) shall be paid to each of the following: Salary groups $27,500

(a) Director of Finance.

SEC. 4.5. Section 11550.5 is added to said code, to read:

11550.5. An annual salary of twenty-two thousand five hundred dollars ($22,500) shall be paid to each of the following: $22,500

(a) Director of Mental Hygiene.

SEC. 5. Section 11551 is added to said code, to read:

11551. An annual salary of twenty thousand dollars ($20,000) shall be paid to each of the following: $20,000

(a) Lieutenant Governor.
(b) Director of Public Works.
(c) Director of Water Resources.
(d) Superintendent of Public Instruction.
(e) State Controller.

SEC. 6. Section 11552 is added to said code, to read:

11552. An annual salary of nineteen thousand five hundred dollars ($19,500) shall be paid to each of the following: $19,500

(a) State Treasurer.
(b) Secretary of State.
(c) Director of Public Health.

SEC. 7. Section 11553 is added to said code, to read:

11553. An annual salary of nineteen thousand dollars ($19,000) shall be paid to each of the following: $19,000

(a) Director of Corrections.
(b) Director of Employment.
(c) Each member of Public Utilities Commission.
(d) Director of Motor Vehicles.
(e) Director of Youth Authority.

SEC. 8. Section 11554 is added to said code, to read:

11554. An annual salary of seventeen thousand dollars ($17,000) shall be paid to each of the following: $17,000

(a) Director of Agriculture.
(b) Insurance Commissioner.
(c) Each member of the California Unemployment Insurance Appeals Board.

(d) Executive Officer of the Franchise Tax Board.
(e) Deputy Director of Employment.

SEC. 9. Section 11555 is added to said code, to read:

$16,500 11555. An annual salary of sixteen thousand five hundred dollars ($16,500) shall be paid to each of the following:
(a) Director of Industrial Relations.
(b) Director of Alcoholic Beverage Control.
(c) Commissioner of the California Highway Patrol.
(d) Superintendent of Banks.
(e) Each member of the Adult Authority.
(f) Each member of the State Water Rights Board.
(g) Director of Social Welfare.
(h) Each member of the Youth Authority.

SEC. 10. Section 11556 is added to said code, to read:

$16,000 11556 An annual salary of sixteen thousand dollars ($16,000) shall be paid to each of the following:
(a) Director of Natural Resources.
(b) Director of Fish and Game.
(c) Director of California Disaster Office.
(d) Each member of the State Board of Equalization.

SEC. 11. Section 11557 is added to said code, to read:

$15,000 11557. An annual salary of fifteen thousand dollars ($15,000) shall be paid to each of the following:
(a) Director of Veterans Affairs.
(b) Real Estate Commissioner.
(c) Savings and Loan Commissioner.
(d) Commissioner of Corporations.
(e) Each member of the Industrial Accident Commission.
(f) Director of Professional and Vocational Standards.
(g) State Fire Marshal.

SEC. 12. Section 11558 is added to said code, to read:

$13,750 11558 An annual salary of thirteen thousand seven hundred fifty dollars ($13,750) shall be paid to each of the following:
(a) Labor Commissioner.

SEC 13 Section 11559 is added to said code, to read:

$12 000 11559. An annual salary of twelve thousand dollars ($12,000) shall be paid to each of the following:
(a) Each member of the Alcoholic Beverage Control Appeals Board.
(b) Chief of the Division of Industrial Safety.
(c) Chief of the Division of Industrial Welfare.
(d) Chief of the Division of Housing.
(e) State Librarian.
(f) Secretary of the California Horse Racing Board.
(g) Secretary of the State Athletic Commission.
(h) Registrar of Contractors.

SEC. 14. Section 11562 of said code is amended to read:

$6,200 11562 An annual salary of six thousand two hundred dollars ($6,200) shall be paid to each of the following:
(a) Each member of the State Personnel Board.

SEC. 15. Section 11563 of said code is amended to read:

11563. An annual salary of six thousand dollars ($6,000) shall be paid to each of the following: $6,000

(a) Each member of the State Board of Barber Examiners.

SEC. 16. Section 12001 of said code is amended to read:

12001. The Governor may appoint and fix the salaries of such secretaries and other personnel as he deems necessary for his office. No salary fixed under this section shall exceed twelve thousand dollars ($12,000) annually, except the salary of the Executive Secretary to the Governor shall not exceed eighteen thousand dollars ($18,000) annually, the salaries of three secretaries to the Governor shall not exceed fifteen thousand dollars ($15,000) annually, and the salaries of the other secretaries to the Governor shall not exceed fifteen thousand dollars ($15,000). Governor's office

SEC. 17. Section 12302 of said code is amended to read:

12302. The Treasurer may appoint one deputy treasurer at such annual salary as the Treasurer shall establish. The Treasurer may also designate and appoint, or terminate the designation and appointment of, any officer or employee of his office, in addition to the deputy treasurer, to have the powers and liabilities of a deputy; such appointment and termination of appointment to be effective when filed by the Treasurer in writing in the Office of the Secretary of State. He may also appoint and fix the salaries, subject to the provisions of the State Civil Service Act, of such officers and employees as may be necessary to carry out the duties of his office. The Treasurer may appoint as civil executive officers: one cashier, one bond officer, one deposit officer, one vault officer, one principal accountant, one bookkeeper, and one secretary-stenographer. Treasurer's office

SEC. 18. Section 15003 of said code is amended to read:

15003. There is in the department the office of deputy director. The deputy director shall be appointed and his compensation shall be fixed by the Attorney General at not to exceed sixteen thousand five hundred dollars ($16,500) per year. Deputy director

The deputy director shall be a civil executive officer and shall be exempt from civil service.

SEC. 19. Section 1156 of the Harbors and Navigation Code is amended to read:

1156. The board may appoint and fix the compensation of a secretary, a treasurer, and such other employees as may be necessary. The secretary shall receive such compensation as may be fixed by the board at not to exceed five hundred dollars ($500) a month. Compensation

SEC. 20. Section 145 of the Labor Code is amended to read:

145. The Chief of the Division of Industrial Safety shall receive an annual salary as provided by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Chief of Division of Industrial Safety

SEC. 21. Section 1518.2 of the Military and Veterans Code is amended to read:

Director of Disaster Office

1518.2. The Governor, with the approval of the Senate, shall designate one person in the California Disaster Office to act as the Director of the Disaster Office. The Director of the Disaster Office shall receive an annual salary as provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code and he shall have all of the rights and powers of a head of a department except those conferred by Section 11154 of the Government Code. When the Governor proclaims a state of disaster within any region or regions of the State, the director shall act as the coordinator of all state disaster activities in connection with such emergency, and every state agency and officer shall cooperate with the director in rendering all possible assistance in carrying out the provisions of this chapter. In addition to the powers herein designated, the Governor may delegate any of the powers vested in him under this chapter to the Director of the Disaster Office and to the regional or area coordinators appointed by the Governor except the power to make appointments, the power to fix salaries, the power to make, amend, and rescind orders, rules, and regulations, and the power to proclaim a state of extreme emergency or a state of disaster.

SEC. 22. Section 3305 of the Penal Code is amended to read:

Trustees' expenses

3305. The trustees shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties.

In addition they shall be entitled to a per diem of fifty dollars ($50) per day for not to exceed ten (10) days in any month for attendance upon meetings of the trustees or the Board of Corrections.

SEC. 23. Section 21205 of the Public Utilities Code is amended to read:

Director of Aeronautics

21205. A Director of Aeronautics shall be appointed by the commission. He shall hold the confidential position for the commission, exempt from civil service, and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of his powers and duties. He shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation, or employment. He shall receive an annual salary of not more than fourteen thousand five hundred dollars ($14,500) to be fixed by the commission, and shall be reimbursed for all traveling and other expenses, incurred by him in the discharge of his official duties.

SEC. 24. Section 150 of the Water Code is amended and renumbered to read:

Department of Water Resources

120. There is in the State Government the Department of Water Resources, which is under the control of an executive

officer known as the Director of Water Resources. The director is appointed by the Governor and holds office at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm the appointment shall create a vacancy in the office. The director shall receive an annual salary as provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code and he is a member of the Governor's Council.

SEC. 25. Section 186 of said code is amended to read:

186. Each member of the board shall receive an annual salary as provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code and shall receive the necessary traveling and other expenses incurred by him in the performance of his official duties out of appropriations made for the support of the board. When necessary the members of the board may travel within or without the State. Board Salaries and expenses

SEC. 26. Section 13050 of said code is amended to read:

13050. Each regional board shall: Duties

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint an executive officer and fix his salary at a sum not to exceed nine hundred seventy dollars ($970) per month.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

SEC. 27. Article 3 (consisting of Section 11570) is added to Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 3. Statutory Salary Adjustments

11570. Notwithstanding the foregoing provisions of this chapter or of any statute specifying the salary to be paid to any state officer, in any fiscal year for which the Legislature appropriates additional funds to augment the salaries paid to state officers whose salaries are specified by statute, each such statutory salary for such fiscal year shall be the amount so specified plus an amount which constitutes an equal percentage increase for each such officer. If any constitutional provision prevents an increase in the salary of a state officer during all or part of the fiscal year for which such funds are appropriated, the increase for any such officer shall become operative with the commencement of the next succeeding term of office if it occurs during such fiscal year. Salary increases

SEC. 28. Section 1322 is added to the Government Code, to read:

1322. In addition to any other statutory provisions requiring confirmation by the Senate of officers appointed by the Governor, the appointments by the Governor of the following Confirmation of Governor's appointments

officers and the appointments by him to the listed boards and commissions are subject to confirmation by the Senate:

(a) California Horse Racing Board.
(b) Certified Shorthand Reporters Board.
(c) Chief, Division of Housing.
(d) Chief, Division of Industrial Safety.
(e) Chief, Division of Industrial Welfare.
(f) Chief, Division of Labor Law Enforcement.
(g) Commissioner of Corporations.
(h) Commission of Housing.
(i) Contractors State License Board.
(j) Director of Fish and Game.
(k) Director of Mental Hygiene.
(*l*) Director of Natural Resources.
(m) Director of Public Health.
(n) Real Estate Commissioner.
(o) State Athletic Commission.
(p) State Board of Barber Examiners.
(q) State Librarian.

Concurrent and Joint Resolutions and Constitutional Amendments

Regular Session
1957

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE 1957 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

Senate Concurrent Resolution No. 5—Approving a certain amendment to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 9, 1957.]

City of Oakland Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND. }

Certificate

We the undersigned, Clifford E. Rishell, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 34142 C.M.S passed March 15, 1956, duly and regularly proposed and submitted to the qualified electors of said City, a certain proposal designated as Proposition K, for amending the Charter of said

City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 5th day of June, 1956. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 34142 C M S., and that by said resolution said Council consolidated said special municipal election with the Consolidated Primary Election to be held in said City on the 5th day of June, 1956, requested the Board of Supervisors of the County of Alameda to adopt an order for the consolidation of said special municipal election and said Consolidated Primary Election in conformity with the provisions of law authorizing such consolidations, and authorized said Board of Supervisors to canvass the returns of such special municipal election and declare the results and make a return thereof to said Council.

That the Board of Supervisors of the County of Alameda, on the 27th day of March, 1956, duly adopted and made its resolution and order, being Resolution No. 79283 of said Board consolidating said elections hereinabove mentioned, and ordered that the Board of Supervisors canvass the returns of said special municipal election.

That said consolidated special municipal election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in the manner provided by law, after due notice given and published, with the said Consolidated Primary Election on the 5th day of June, 1956, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendment in the "Oakland Tribune," the official newspaper of said City.

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 25th day of April, 1956, in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication

That copies of said proposed amendment were printed in convenient pamphlet form, and in type of not less than ten point, and a copy thereof was mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 25th day of April, 1956, and on each day thereafter to and including the 5th day of June, 1956, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposal to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the County Clerk of said County of Alameda to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendment.

That as to the said amendment to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto, have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, and with the authorization and direction of the Board of Supervisors of the County of Alameda, State of California, set forth in its Resolution No. 79663, the County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, did duly and regularly canvass the returns of said election, and of said special municipal election, and did duly find, determine and declare the result of said special municipal election, as determined from the canvass of the returns thereof, to be that a majority of the qualified electors of said City voting on said Charter amendment hereinafter set forth and designated as Proposition K, had voted for, and adopted said amendment; and said Board of Supervisors of the County of Alameda, State of California, by its Order entered in Minute Book 99 as Appendix A declared said Charter amendment adopted by the electors of said City of Oakland.

That the proposed amendment to the Charter of the City of Oakland, which was so ratified by a majority of the electors of said City, is in words and figures as follows:

PROPOSITION K.

Add Section 105½ to the Charter to read as follows:

Public health and sanitation Transfer of functions and employees to County of Alameda

Sec. 105½. The Council may consent to, or provide by contract or in any other manner for, the transfer to the County of Alameda of any or all of the public health and sanitation functions and services provided for by Charter or Ordinance of the City of Oakland or by State or Federal law, rule or regulation, and for the assumption, enforcement, observance and performance thereof by Alameda County officers and employees; provided that, upon such transfer, employees of the City of Oakland Health Department who are not continued in City of Oakland employment are transferred to the employ

of the County of Alameda with the protection hereinafter in this section provided. The Council is authorized to provide that all or any City of Oakland Health Department employees be transferred to and become employees of the Alameda County Health Department with full accredited status as members of the County Civil Service. The Council also is authorized to provide that such transferred employees shall retain credit under the Oakland Municipal Employees' Retirement System, provided for in Section 33 of this Charter, for service with which they were entitled to be credited at the date of transfer, or that instead such service be credited under the Alameda County Employees' Retirement System in the same manner and with the same effect as if it were service credited under such system as having been rendered as employees of Alameda County To effect such credit of service, the Council may take all necessary action, regardless of the length of service credited to such employees. Specifically, but without limiting the foregoing authorization, the Council may provide for the retention in the Municipal Retirement System for contributions made by such transferred employees, plus credited interest, in the same manner and with the same effect as is provided under such System for employees upon resignation or discharge who are entitled to be credited with ten years of service, or it may pay to the County or otherwise allocate any funds, including such transferred employees' contributions plus credited interest, and contributions made by the City and held on behalf of such transferred employees by such Municipal Retirement System. The City may compensate the County, as necessary, either directly from any City funds or indirectly by County's retention of fees, fines, forfeitures or penalties paid or payable under City Ordinance, for making inspections and for the performance by County officers or employees of functions in the enforcement of City Ordinances relating to public health and sanitation. The Council shall provide, as necessary, for the continued employment of such Health Department personnel as are not transferred to the County, without prejudice to the acquired employment rights of such employees. Any and all powers, duties and functions of the City so transferred to the County pursuant to this section shall, to the extent of their assumption, performance, observance and enforcement by the County, be deemed suspended and not a duty or function of the City for the duration of such transfer. The City has and the Council shall reserve in any agreement with the County the right to terminate any transfer made pursuant to this section, and to reassume any or all of the transferred functions. This section shall be paramount to any other Charter provision in conflict therewith.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Oakland with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 27th day of December, 1956.

(SEAL)

CLIFFORD E. RISHELL
Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, The said proposed amendment as ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said City as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the said City of Oakland.

CHAPTER 2

Assembly Concurrent Resolution No. 1—Approving certain amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on September 18, 1956.

[Filed with Secretary of State, January 10, 1957]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of two amendments, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

City of Santa Barbara Charter amendments

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA BARBARA

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

We, the undersigned, John T. Rickard, Mayor of the City of Santa Barbara, and William S. Wagner, City Clerk of said city, do hereby certify and declare as follows:

Certificate

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the Council of said city, being the legislative body thereof, on its own motion, submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a special election duly and regularly called and held for that purpose in said city on the 18th day of September, 1956, said charter amendments being herein designated as Charter Amendment No. 1 and Charter Amendment No 2.

That on the 9th day of August, 1956, said Council caused said proposed charter amendments to be duly and regularly published and advertised in each and every edition of said 9th day of August, 1956, in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That said Council caused copies of said proposed charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said city.

That said Council, until the day fixed for the election upon said proposed charter amendments, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said city, a notice that copies thereof might be had upon application therefor; that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said city up to and including the day fixed for said special election.

That said special election was duly and regularly held in said city on the date fixed by said Council, to wit, September 18, 1956, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said special election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify Charter Amendment No. 1 and Charter Amendment No. 2, hereinafter specifically set forth.

That said amendments to the Charter of said city so ratified by the voters of said city are as follows, to wit:

CHARTER AMENDMENT No. 1

That Section 36 of Article III of the Charter of the City of Santa Barbara be repealed and that a new Section 36 be added to Article III of said charter to read as follows:

"Section 36. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, street sweeping, or for lighting streets, public buildings or offices, shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights, or any other material or utility, at a higher rate or rates than is charged to any other consumer. Supply, etc., contracts

Every purchase of materials or supplies used by the City, when the expenditure required therefor exceeds the sum of One Thousand Dollars ($1,000.00), shall be by contract let to the lowest responsible bidder in the manner prescribed by this section.

Every project for the construction or improvement, excluding maintenance or repair, of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, when the total expenditure required for such project exceeds the sum of Two Thousand Dollars ($2,000.00), shall be performed by contract let to the lowest responsible bidder in the manner prescribed by this section.

Contracts shall be let only after the publication at least once of notice inviting bids therefor, within fourteen (14) days before the day appointed and specified in said notice for the opening of bids, in a daily newspaper of general circulation printed, published and circulated in the City of Santa Barbara.

The City Council may reject any and all bids presented and may readvertise in its discretion.

Notwithstanding any provision of this section, the City Council may nevertheless and in any event, determine which of the above public works or improvement projects are to be performed by City forces and which are to be let by contract in the manner prescribed in this section."

Charter Amendment No. 2

That Section 122 of Article XIX of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 122. Whenever the council shall determine that the public interest demands an expenditure for municipal purposes which cannot be provided for out of the ordinary revenues of the city, it may submit to the qualified voters at a regular or special election a proposition to provide for such expenditure, either by the levy of a special tax or by the issue of bonds, but no such special tax shall be levied nor any such bonds issued unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at such election; provided, however, that no bonds shall be issued to meet current expenses. When two or more said propositions are submitted at the same election, the votes cast for and against each proposition shall be counted separately." Special tax or issuance of bonds

That we have compared the amendments as stated herein with the orignal proposals submitted to the electors of said city, and find and certify that they are full, true and correct copies thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Santa Barbara to be affixed hereto this 4th day of October, 1956.

(SEAL)

JOHN T. RICKARD
Mayor of the City of Santa Barbara, California
WILLIAM S. WAGNER
City Clerk of the City of Santa Barbara, California

and

WHEREAS, Said proposed charter amendments as ratified (being hereinabove set forth) have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned two amendments to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Barbara be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the City of Santa Barbara.

CHAPTER 3

Assembly Concurrent Resolution No. 3—Relative to approving amendments to the charter of the City of Torrance, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the tenth day of April, 1956.

[Filed with Secretary of State, January 10, 1957.]

City of Torrance Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Torrance, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF TORRANCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF TORRANCE

Certificate

We, the undersigned, Albert Isen, Mayor of the City of Torrance, and A. H. Bartlett, City Clerk of said City, do hereby certify and declare as follows:

The City of Torrance, County of Los Angeles, State of California, is now and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, and has ever since the year 1947, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special municipal election held for that purpose on the 20th day of August, 1946, in the manner, form and substance as required by law, and was thereafter duly approved by concurrent resolution of the legislature of the State of California on the 7th day of January, 1947.

The legislative body having authority of said City, being a Council thereof, did on its own motion, and by resolution adopted on the 17th day of January, 1956, duly propose to the qualified electors of said City of Torrance certain amendments to the Charter of said City, which amendments are hereinafter set forth.

The said City Council did, by resolution duly passed and adopted on the 17th day of January, 1956, proclaim and fix the 10th day of April, 1956, the date of the General Municipal Election to be held in said City of Torrance, as the date on which the said amendments so proposed be submitted, and voted on by, the qualified electors of said City of Torrance.

The said proposed amendments were published on the 20th day of February, 1956, in the Torrance Herald, a newspaper of general circulation printed and published in the City of Torrance and having a general circulation therein, the said paper being the official newspaper of the City of Torrance, and said publication was made at the time and in the manner prescribed in Article XI, Section 8, of the Constitution of the State of California.

The said General Municipal Election held on April 10, 1956, was not less than forty (40) and not more than sixty (60) days after the completion of the advertising in said newspaper. At said election the said proposed charter amendments were voted upon by the qualified electors of the City of Torrance. A majority of the qualified electors voting

thereon voted in favor of and did ratify certain of said proposed charter amendments.

That thereafter the City Council of said City of Torrance, County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that certain of said amendments to said City Charter of the City of Torrance were and are approved by the electors of said City of Torrance, and ratified by the qualified voters voting thereon.

The said Charter amendments so ratified by the qualified voters of the City of Torrance at said election are in words and figures as follows:

AMENDMENT NUMBER 1

That Section 7 of Article VI of the Charter of the City of Torrance be amended to read in its entirety as follows:

Compensation of officers

"Section 7. Compensation. The members of the Board of Education shall receive no compensation for their services as such. The members of the City Council shall receive compensation in the amount of One Hundred Dollars ($100.00) per month, payable in equal semi-monthly payments, and in addition thereto shall receive their actual and necessary expenses while engaged on City business at the direction of the City Council. Any member of the City Council making demand for reimbursement for traveling or other expense shall provide the City Clerk with vouchers covering such expenses, together with a sworn statement to the effect that such expenses were actually incurred in good faith by said party while on official City business. The compensation of any member of the City Council appointed or elected to fill a vacancy shall be the same as that payable to such member whose office was vacated.

"The City Clerk and City Treasurer shall severally receive, at stated times, a compensation to be fixed by ordinance adopted by the City Council; which compensation shall not be increased or diminished after their election or during their respective terms of office.

"This section shall become effective April 10, 1956, and shall be subject to the provisions of Article XI, Section 5 of the Constitution of the State of California and Sections 53070 and 53071 of the Government Code of the State of California."

AMENDMENT NUMBER 2

That Section 2 (f) of Article XV of the Charter of the City of Torrance be amended to read in its entirety as follows:

Assistant and deputy city attorneys

"f. The City Council, on the recommendation of the City Attorney, may appoint such Assistant City Attorneys or Deputy City Attorneys as may be required to carry out the functions of the office of the City Attorney and they shall have

such duties as may from time to time be assigned to them by the City Attorney. Any such assistants or deputies so appointed shall be members of the classified service of the City and shall be paid a salary commensurate with the duties assigned to them."

AMENDMENT NUMBER 3

That Section 7 of Article X of the Charter of the City of Torrance shall be amended to read in its entirety as follows:

"Section 7. Contracts on Public Works. Every contract involving an expenditure of more than Two Thousand Dollars ($2,000.00) for the construction or improvement, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Two Thousand Dollars ($2,000.00), shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids; or if there is no newspaper, then by posting copies of such notice in at least three public places in said City. Contracts on public works

"The City Council may reject any and all bids presented and may readvertise in its discretion.

"After rejecting bids, or if no bids are received, the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by at least a three-fifth (3/5ths) vote, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this section. Such contract may be let and such purchases made without advertising for bids, if such work, or the purchase of such materials or supplies, shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by at least a three-fifths (3/5ths) vote."

AMENDMENT NUMBER 4

That Section 9 of Article XVIII of the Charter of the City of Torrance be amended to read in its entirety as follows:

"Section 9. Actions Against City. No suit shall be brought against the City or any board or commission thereof on any claim for money or damages or for the taking of property until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all Actions against city

claims for damages against the City must be presented within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and all other claims or demands shall be presented within six (6) months after the last item of the account or claim accrued.

"Every claim brought against the City or any board or commission thereof for money or damages or for the taking of property shall be verified by the person making the claim and filed with the City Clerk, who shall thereupon present the same to the City Council, officer, board or commission authorized by this Charter to incur or pay the expenditure or alleged indebtedness or liability represented thereby. In all cases, such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the date the same is filed with the City Clerk shall be deemed a rejection thereof."

AMENDMENT NUMBER 5

That Article IX of the Charter of the City of Torrance be amended by the addition of a section numbered "Section 17", to read in its entirety as follows:

Franchises

"Section 17. Franchises. Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions, or limitations as may be prescribed by the City Council by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred."

AMENDMENT NUMBER 6

That Section 13 of Article IX of the Charter of the City of Torrance be amended to read in its entirety as follows:

Ordinances and resolutions

"Section 13 Adoption of Ordinances and Resolutions. No ordinance of any kind shall be passed by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular or adjourned regular meeting. At the time that an ordinance or resolution is up for final passage, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by the unanimous vote of those present. In the event that any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less then five days after the date upon which such ordinance was so altered. The correction of typographic or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

"No resolution or order for the payment of money shall be adopted or made at any other than at a regular meeting or adjourned regular meeting. No resolution or any order for the payment of money shall have any validity or effect un-

less passed by the votes of at least three members of the City Council and no ordinance shall have any validity or effect unless passed by the votes of at least three members of the City Council."

AMENDMENT NUMBER 7

That Article XIII of the Charter of the City of Torrance be amended to read in its entirety as follows:

"ARTICLE XIII—City Clerk and Director of Finance.

"Section 1. City Clerk. It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted exclusively to such purposes, respectively. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein. City clerk

"The City Clerk shall keep a book marked 'Ordinances' into which he shall record all City ordinances with his certificate annexed to each of said ordinances stating the same to be a true and correct copy of an ordinance of said City, giving the number of said ordinance and stating that the same has been published or posted according to law. Said record with said certificate shall be prima facie evidence of the contents of each ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceedings.

"The official records of the City in the custody of the City Clerk shall not be filed in any court proceedings or other action but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The City Clerk shall be the custodian of the seal of the City.

"The City Clerk may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the Civil Service System of the City. Such deputy or deputies to receive such compensation as may be provided for by the City Council.

"The City Clerk and his deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the City, which may be used in any court or proceedings in the State, and to certify the same.

"Section 2. Director of Finance. There is hereby created and established the office of Director of Finance of the City of Torrance. The Director of Finance shall be appointed by the City Council upon the recommendation of the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the Classified Service Director of Finance

of the City. The duties and functions of said Director of Finance shall be to:

"(a) Maintain and operate the general accounting system of the City and of the respective departments, offices and agencies thereof.

"(b) Keep and maintain, or to prescribe and require the keeping and maintaining of inventory records of municipal properties.

"(c) Cooperate with the City Clerk and City Treasurer in establishing and maintaining sufficient and satisfactory procedures and controls over municipal revenues and expenditures in all departments of the City.

"(d) To assume and perform all municipal functions and duties relating to the preparation, auditing, presenting and disbursement of claims and demands against the City, including payrolls.

"(e) Assist the City Manager in the preparation of the annual budget and in the administration thereof.

"(f) Prepare and present to the City Council, through the City Manager, in sufficient detail to show the exact financial condition of the City, an annual statement and report of the financial condition of the City and such other financial reports as may be required by the City Council or the City Manager.

"(g) Supervise such subordinate employees or assistants as may be authorized by the City Council.

"(h) Perform such additional duties as may be hereafter required by the City Council or the City Manager."

AMENDMENT NUMBER 8

That Article XIV of the Charter of the City of Torrance be amended to read in its entirety as follows:

"ARTICLE XIV. CITY TREASURER.

City treasurer

"Section 1. Powers and Duties. It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer. He shall comply with all provisions of law governing the deposit and securing of public funds He shall also comply with all of the provisions of the general laws of the State governing the handling of such trust funds as may come into his possession. He shall pay out moneys only on warrants signed by persons designated by law, or ordinance, as the proper persons to sign warrants and as to trust funds which may come into his possession or control by virtue of some law, ordinance or resolution, by warrant or other order, in accordance with the provisions of such law, ordinance or resolution. He shall at regular intervals, at least once each month, submit to the Director of Finance a written report and accounting of all receipts, disbursements and fund balances, a copy of which report he shall file with the City Council.

"The City Treasurer may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the Civil Service System of the City. Such deputy or deputies to receive such compensation as may be provided by the City Council."

IN WITNESS WHEREOF, WE HAVE hereunto set our signatures and caused the official seal of the City of Torrance to be affixed this 10th day of August, 1956.

ALBERT ISEN
(SEAL) Mayor of the City of Torrance
A. H. BARTLETT
City Clerk of the City of Torrance

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Torrance as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Torrance. Approval

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CHAPTER 4

Assembly Concurrent Resolution No. 5—Relative to approving amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the tenth day of April, 1956.

[Filed with Secretary of State, January 10, 1957]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Albany Charter amendment

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A MUNICIPAL ELECTION HELD ON THE

10TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND FIFTY SIX, OF AN AMENDMENT TO THE CHARTER OF THE CITY OF ALBANY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.
CITY OF ALBANY }

Certificate

We, Lewis M. Howell, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a City containing more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Municipal Election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California, (statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said City, namely, the City Council of the said City did, on its own motion and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, propose to the electors of said City of Albany a certain amendment to the Charter of the said City, and ordered that said Amendments be submitted to said electors of said City at a Regular Municipal Election to be held in said City on the 10th day of April, 1956; and

That said proposed amendments were, on the 17th and 24th days of February, 1956, duly published in the Albany Times, a newspaper of general circulation published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof; and

That said City Council did by resolution designated as Resolution No. 2055—A.N.S., which was duly adopted on the 20th day of February, 1956, call for and give notice of a Regular Municipal Election in the City of Albany on the 10th day of April, 1956, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said Regular Municipal Election was held in the said City of Albany on the 10th day of April, 1956, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said Albany Times, as aforesaid; and

That at said regular municipal election held as aforesaid, on the said 10th day of April, 1956, a majority of the voters voted in favor of the proposed amendment, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the Council of the City of Albany after duly canvassing the returns of said Regular Municipal Election at the time and in the manner and form prescribed by law, duly found, determined, declared, and certified that a majority of the qualified voters voting thereon.

That the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said City that a majority of the qualified electors of said City voting thereon had voted for and ratified said proposed amendment to the Charter of the City of Albany, which amendment is in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1

To amend Section 50 of the Charter of the City of Albany to add Sub-Section (q) thereto to read as follows:

Section 50.

(q) Service Retirement Pensioner's Benefits to Widow and Children. Whenever any member of the police or fire department of the City of Albany, shall, after receiving the service retirement pension that has been ordered and directed by the Board of Police and Fire Pension Fund Commissioners, die from any cause whatsoever, leaving a widow or widower who was married to the pensioner at least five (5) years before his retirement, or unmarried children under 18 years of age, then said survivor shall be entitled to and upon satisfactory proof, the Board shall order and direct that a pension equal to one-half ($\frac{1}{2}$) of the amount paid to the pensioner each month before his death shall be paid to the widow or widower each month during his or her life, or if there should be no widow or widower, then to his or her unmarried children until they be 18 years of age; provided, that if such widow or widower or child or children shall marry, then such persons so marrying shall thereafter receive no further pension from such funds. Death benefits

Upon the death of a service retired pensioner, the widow or widower, if any, shall be entitled to no part of his or her service retired pension unless he or she was married to the pensioner before his service retirement.

Upon the death of any service retired pensioner, the widow or widower, if any, who was married less than five (5) years prior to the pensioner's retirement shall then be entitled to

and upon satisfactory proof, the Board shall order and direct that a pension equal to one-sixth ($\frac{1}{6}$) of the amount paid each month to the pensioner before his or her death, shall be paid to the widow or widower each month during his or her life; provided that if such widow or widower shall marry, then such person so marrying shall receive no further pension from such fund.

The term "widow or widower" as used in this Section shall not mean or include the wife or husband of any member who is without cause living separate or apart from said pensioner at the time of the death of said pensioner, or who is divorced from said pensioner.

In the event of refusal by a widow or widower receiving a pension hereunder to reasonably provide for a dependent child or children of a deceased or retired member of the fire or police department, the Pension Board, upon satisfactory proof thereof shall have power to divide the pension as it may deem proper.

The foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Albany, ratified by the electors of said City, as aforesaid, on file in the Office of the City Clerk of said City of Albany.

IN WITNESS WHEREOF, Lewis M. Howell, mayor, as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Albany to be duly affixed on this 25 day of June, 1956.

LEWIS M. HOWELL
(SEAL) Mayor of the City of Albany
MYRTLE J. McLEAN
City Clerk of the City of Albany

Prepared and approved by:
ROBERT J. FOLEY
City Attorney, City of Albany

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Albany, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the charter of said City of Albany.

CHAPTER 5

Assembly Concurrent Resolution No. 6—Approving seven certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election consolidated with the state general election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 10, 1957.]

City of Los Angeles Charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of seven amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF LOS ANGELES

Certificate

We, John S. Gibson, Jr., President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million nine hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles seven certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special municipal election held on the 6th day of November, 1956,

pursuant to Ordinance No. 108,075 of said City, approved September 14, 1956, which said special municipal election was consolidated with the State General Election held in said City on said date, all as required by law, which said proposals were designated as Proposed Charter Amendments "M", "N", "O", "P", "Q", "R" and "S".

That on the 26th day of September, 1956, the said proposed amendments were published and advertised in accordance with Section of Article XI of the Constitution, in each and every edition of said day of September 26, 1956, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from September 26, 1956, to and including November 6, 1956; and a notice was advertised and published on and from September 26, 1956, to and including November 6, 1956, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a special municipal election consolidated with the State General Election, held on November 6, 1956, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon said proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of the County of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles which, pursuant to law, met on December 13, 1956, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said Registrar of Voters.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

PROPOSED CHARTER AMENDMENT NO. M

The Charter of The City of Los Angeles is amended by adding Section 65.1 thereto to read:

Salaries Councilmen

Section 65.1. The salary of each member of the Council, heretofore last fixed in 1945, shall be $12,000 per annum in full compensation for all services of every kind whatever rendered by him.

PROPOSED CHARTER AMENDMENT NO N

The Charter of The City of Los Angeles is amended by adding Section 65.2 thereto to read:

Mayor

Section 65.2. The salary of the Mayor, heretofore last fixed in 1945, shall be $25,000 per annum in full compensation for all services of every kind whatever rendered by him.

PROPOSED CHARTER AMENDMENT NO. O

The Charter of The City of Los Angeles is amended by adding Section 65.3 thereto to read:

City attorney

Section 65.3. The salary of the City Attorney, heretofore last fixed in 1945, shall be $23,000 per annum in full compensation for all services of every kind whatever rendered by him.

PROPOSED CHARTER AMENDMENT NO. P

The Charter of The City of Los Angeles is amended by adding Section 65.4 thereto to read:

Controller

Section 65.4. The salary of the Controller, heretofore last fixed in 1945, shall be $18,000 per annum in full compensation for all services of every kind whatever rendered by him.

PROPOSED CHARTER AMENDMENT NO. Q

Subsection 6 of section 229 of the Charter of The City of Los Angeles is amended to read:

Indebtedness Determination and limitation

Sub-sec. 6. Determination and limitation of amounts of issues.

Subd (a). Whenever the Department shall exercise the power to borrow money, or to refund indebtedness, pursuant to this section 229, the Board shall by resolution determine the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding.

Subd. (b). Whenever the Department shall exercise the power to borrow money pursuant to this section 229 the Board may authorize the issuance of bonds in any amount determined pursuant to subdivision (a) next above; provided that no bonds so authorized shall be issued unless the amount of the surplus (including surplus arising from contributions in aid of construction), as of the end of the last fiscal year which ended not less than four months prior to the making, with reference to the bonds so to be issued, of the finding and determination provided for in clause (1) of subdivision (a) of subsection 16 of this section 229, derived from the operation of the works to which pertains the revenue fund out of which the bonds so authorized are to be payable, equals at least

eighty per cent (80%) of the aggregate of the three following amounts, (i) the amount of the bonds to be so issued, (ii) the amount of the bonds of the Department outstanding at the time of the acceptance of a proposal for the purchase of the bonds so authorized and payable out of that revenue fund, and (iii) the amount of the bonds of the City outstanding at that time and serviced out of that revenue fund.

Subd. (c). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any refunding bonds pursuant to this section 229, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment or redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Subd. (d). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any bonds whenever the proposition of such issuance shall have been assented to by the voters.

Subd. (e). Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to subsection 10 of this section 229 to insure the payment thereof, of moneys sufficient for that purpose, or through the irrevocable segregation for that purpose, in some sinking fund or other fund or trust account, of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this section 229.

Proposed Charter Amendment No. R

The Charter of The City of Los Angeles is amended by adding thereto Section 220.2, to read as follows:

Department of Water and Power Social Security

Sec. 220.2. The Department of Water and Power may, in the discretion of the Board of Water and Power Commissioners, make available to the Department's employees the old age and survivors insurance coverage authorized for public employees under the insurance system established by the provisions of the federal Social Security Act. If the Board elects to make said coverage available, it shall have the power and authority to do or authorize the doing of any and all acts and things which are now or hereafter may be required by or pursuant to the federal Social Security Act, the Federal Insurance Contributions Act, and other applicable laws of the United States and of the State of California, and any amendments thereof, to obtain, continue, and terminate said coverage, and, in addition, to do or authorize the doing of all other acts and things relating thereto and not inconsistent with such laws as the Board may deem desirable.

Money in or belonging to the Water Revenue Fund and the Power Revenue Fund may be used to pay all costs incurred

by the Department in making said coverage available, and in administering said insurance system as it affects the Department and its employees, and to pay all contributions required by or pursuant to said laws to be paid for said coverage by the Department as an employer. In addition, and notwithstanding any provisions of this charter or of the Water and Power Employees' Retirement Plan to the contrary, money in or belonging to said funds and to the Water and Power Employees' Retirement Fund may be used, to the extent and under such terms and conditions as the Board shall determine, to pay all contributions of the Department and of its employees, or of either, required by or pursuant to said laws to be paid on account of salaries and wages paid for services previously performed after the effective date of said coverage, if retroactive coverage is obtained.

Except as provided herein, this Section 220.2 shall not limit or affect in any way the provisions of Section 220.1 of this charter.

PROPOSED CHARTER AMENDMENT NO. S

Subsection 11 of Section 3 of the Charter of The City of Los Angeles is amended to read:

Building regulations

(11) (a) The total floor area contained in all the buildings on any one building site shall not exceed 13 times the buildable area of the site of said buildings, as such buildable area is defined by ordinance. Basement floor space, parking floor space with necessary interior driveways and ramps thereto, or space within a roof structure or penthouse for the housing of building operating equipment or machinery shall not be considered in determining the total floor area within a building.

(b) The Council, by ordinance, may define and implement the provisions of this subsection and may further restrict and regulate the total floor area, height or bulk of buildings or structures.

We further certify that we have compared the texts of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof. That as to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 18th day of December, 1956.

(SEAL)

JOHN S. GIBSON, JR.
President of the City Council of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 6

Assembly Concurrent Resolution No. 9—Approving charter amendments to the charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 10, 1957.]

City of Inglewood Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF INGLEWOOD

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF INGLEWOOD

Certificate

We, the undersigned, George C. England, Mayor of the City of Inglewood, State of California, and Leonard C. Fox, City Clerk of said City, hereby do certify and declare as follows:

That the Legislative Body of said City, namely the City Council of said City, pursuant to Section 8, Article XI of the Constitution of the State of California, by Resolution No. 3908 adopted August 7, 1956, duly proposed to the qualified electors of said City of Inglewood, one amendment to the Charter of said City designated as Proposed Charter Amendment No. 1; that the Legislative Body of the City of Inglewood, namely the

City Council of said City, pursuant to Section 8, Article XI of the Constitution of the State of California, by Resolution No. 3909, adopted August 7, 1956, duly proposed to the qualified electors of said City of Inglewood, one amendment to the Charter of said City designated as Proposed Charter Amendment No. 2; that the Legislative Body of said City, namely the City Council of said City, pursuant to Section 8, Article XI of the Constitution of the State of California, by Ordinance No. 1332, adopted August 14, 1956, ordered that said Proposed Charter Amendment No. 1 and said Proposed Charter Amendment No. 2 be submitted to the qualified electors of said City at a special municipal election to be held in said City on the 6th day of November, 1956, and called a special municipal election for said date and ordered said special municipal election consolidated with the statewide general election to be held on said date;

That said proposed Charter Amendments were published in the Inglewood Daily News, the official newspaper of said City and a newspaper of general circulation therein on the 14th day of September, 1956 and in each edition thereof during said day of publication and said proposed amendments were printed in a convenient pamphlet form and in type of not less than 10-point and copies thereof were mailed to each of the qualified electors of said City, and beginning September 14, 1956 until the day fixed for the election upon the proposed amendments, it was advertised in said newspaper that copies of the proposed amendments could be had upon application therefor at the office of the City Clerk of said City;

That the City Council adopted an ordinance on August 14, 1956, being Ordinance No. 1332 ordering and calling a special municipal election in the City of Inglewood on the 6th day of November, 1956, which said date was not less than forty days and not more than sixty days after the completion of the publication of said proposed amendments, which said Ordinance was signed by the Mayor of said City and was published in the Inglewood Daily News September 17, 1956, in accordance with the provisions of the Charter of the City of Inglewood;

That said special municipal election was held on the 6th day of November, 1956, which said date was not less than forty days and not more than 60 days after said proposed charter amendments had been published once in said Inglewood Daily News;

That thereafter in the manner provided by law, the Registrar of Voters of the County of Los Angeles, duly and regularly did canvass the returns of said election, and by Resolution No. 3946 adopted December 11, 1956, the City Council did declare the results of said special municipal election;

That at said special municipal election said Proposed Charter Amendment No. 1 was ratified by a majority of the electors of said City voting thereon;

That said charter amendment so ratified by the electors of said City now is submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California and in words and figures is as follows, to wit:

CHARTER AMENDMENT No. 1

Repeal

"The Charter of the City of Inglewood hereby is amended by deleting Article XIII of said Charter and by deleting all Sections of Article XIII."

That the foregoing proposed and ratified amendment to the Charter of the City of Inglewood, submitted to the electors of said City at the special municipal election has been compared by us and each of us with the proposed amendment set forth in Resolution No. 3908 adopted by said City Council as hereinbefore stated and that the foregoing is a full, true, correct and exact copy thereof;

That at said special municipal election said Proposed Charter Amendment No. 2 was ratified by a majority of the electors of said City voting thereon;

That said charter amendment so ratified by the electors of said City now is submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California and in words and figures is as follows, to wit:

CHARTER AMENDMENT No. 2

"Article XXXIII of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"ARTICLE XXXIII.

"CONTRACTS ON PUBLIC WORKS

Public works contracts

"Section 1: Every contract involving an expenditure of more than Two Thousand ($2,000.00) Dollars for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Two Thousand ($2,000.00) Dollars, shall be let to the lowest responsible bidder after notice by publication in the official

newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids.

"The City Council may reject any and all bids presented and may re-advertise in its discretion.

"After rejecting bids, or if no bids are received, the City Council may declare and determine that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by at least four affirmative votes, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this section. Such contracts may be let and such purchases made without advertising for bids, if such work or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by at least four affirmative votes."

That the foregoing proposed and ratified amendment to the Charter of the City of Inglewood, submitted to the electors of said City at the special municipal election has been compared by us and each of us with the proposed amendment set forth in Resolution No. 3909 adopted by said City Council as hereinbefore stated and that the foregoing is a full, true, correct and exact copy thereof;

That this certificate shall be deemed to be a full and complete certification of the regularity of all proceedings had and done in connection with said amendments.

IN WITNESS WHEREOF, we have set our hands hereunto and caused the seal of the City of Inglewood to be affixed this 11th day of December, 1956.

(SEAL)

GEORGE C. ENGLAND
Mayor
LEONARD C. FOX
City Clerk

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Inglewood, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Inglewood.

CHAPTER 7

Senate Concurrent Resolution No. 9 — Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 10, 1957.]

City of San Diego: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA,
County of San Diego, } ss.
City of San Diego.

Certificate

We, the undersigned, Charles C Dail, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

That The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, duly proposed to the qualified electors of the City of San Diego five certain amendments to the Charter of said City, designated as Propositions C, D, E, F, and G, respectively, and ordered said five proposed Charter amendments to be submitted to said qualified electors at the special municipal election called and held in said City on the 5th day of June, 1956. Said special municipal election was duly and regularly consolidated with the Statewide Primary Election to be held on said date.

That all of said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of

California in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to-wit: On April 7, 1956.

That, in accordance with the provisions of said Section 8 of Article XI, copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and until the date fixed for the election herein described a notice was advertised and published in The San Diego Union, a daily newspaper of general circulation in said City, that such copies could be had upon application therefor in the office of the City Clerk of The City of San Diego.

That such copies of said proposed Charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at said Special Municipal Election held in said City.

That at said election on the said proposed amendments to the Charter of The City of San Diego a majority of the qualified voters of the City voting on each thereof voted in favor of the propositions designated as Propositions "C", "E", "F" and "G", and each and every one of said proposed amendments was ratified by a majority of the qualified electors of said City voting thereon, and that less than a majority of the qualified voters voting thereon voted in favor of the proposition designated as Proposition "D" and said amendment was not ratified.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI, the Charter of The City of San Diego and the laws of the State of California.

That as to each of the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION C.

Amend Article VII of the Charter of The City of San Diego by adding a new section thereto, to be numbered Section 90.2, which said section shall read as follows:

"Section 90.2. Sewer revenue bonds

'City' means The City of San Diego.

'This section' as used in this section means this Section 90.2.

'Sewer' or 'sewers' as used in this section means sanitary sewers of the City.

'Sewer system' as used in this section means the sanitary sewer system of the City for the collection, transmission, treatment and disposal of sewage and includes all parts thereof.

'Sewer service charges' as used in this section includes fees, tolls, rates and rentals for service by or the use of the sewer system or any part thereof, or in any manner derived from the sewer system or any part thereof.

'Revenues' as used in this section means all sewer service charges received for, and all income and receipts derived by the City from the operation of the sewer system or any part thereof or arising from the sewer system or any part thereof, including any sums received by the City from other cities, districts or public corporations (including the United States of America and the State of California) under contracts providing for the transmission, treatment or disposal of sewage from such other cities, districts or public corporations. 'Revenues' shall not be construed to include taxes or assessments levied by the City.

'Sewer revenue fund' as used in this section means the fund derived from 'revenues' as hereinbefore in this section defined.

Issuance

(1) Revenue bonds to provide moneys for the purpose of acquiring, constructing, reconstructing, replacing, extending or improving sewers, sewer works and sewage treatment and disposal works, including all lands, easements and property necessary therefor and including facilities for the reclamation of water or other by-products of the sewage system of the City, may be issued as provided in this section. Any of the sewers or works or any part thereof may be located outside the City. Such revenue bonds shall not constitute an indebtedness of the City but shall constitute obligations which shall be payable, principal and interest and any premiums upon the redemption thereof prior to maturity only from the Sewer Revenue Fund; provided, however, that this shall not preclude the payment or redemption thereof from the proceeds of refunding bonds issued to refund said revenue bonds or the use of accrued interest and premiums paid upon the sale and delivery of the revenue bonds for the payment of principal thereof or interest thereon. Refunding revenue bonds for the purpose of refunding any revenue bonds issued under the section may be issued as provided in this section and shall be payable only from the fund from which the revenue bonds to be refunded are to be payable. No restrictions or limitations upon or procedure for the issuance of bonds in other sections of this Charter shall apply to revenue bonds issued under this section (including refunding revenue bonds) and this section shall constitute complete authority for the issuance of such revenue bonds (including such refunding revenue bonds) and no action or proceeding not required by this section shall be necessary for the valid authorization and issuance of such revenue bonds. No revenue bond issued under this section or any interest payable thereon shall be or become an obligation

chargeable or enforceable against any of the tax revenues of the City of any other revenues of said City except such revenues as are required under the provisions of this section to be paid into the Sewer Revenue Fund.

(a) The limitations upon bonded indebtedness of The City of San Diego contained in Sections 76 and 90 of this Charter or in any other section or provision thereof shall not apply to revenue bonds issued under any provisions of this Charter where such revenue bonds are payable exclusively from a special fund derived from revenues obtained from any public utility or improvement of the City and are not payable from taxes levied by the City and such revenue bonds shall not be deemed indebtedness of the City within the meaning of the debt limitation provisions contained in Sections 76 and 90 of this Charter or in any other section thereof.

(2) The Council may issue revenue bonds payable from the Sewer Revenue Fund pursuant to and in the manner provided in this section after recommendation by the City Manager that bonds be issued hereunder, which recommendation shall state generally the purposes of the revenue bond issue and the principal amount thereof Such recommendation need not be in any particular form.

(3) After the recommendation by the City Manager has been received by the Council it may adopt an ordinance finding the need for the issuance of revenue bonds under this section for the purposes set forth in the recommendation of the City Manager. The Council, by said ordinance, shall submit to the qualified voters of the City at an election held for that purpose the question of issuing revenue bonds pursuant to this section to provide moneys for the purposes stated in the recommendation of the City Manager.

The Council, by a vote of two-thirds of the members thereof, may adopt a resolution stating that it determines to proceed under this section without a recommendation by the City Manager. Any such resolution also shall state generally the purposes of the proposed revenue bond issue and the principal amount thereof and in the event such resolution is adopted no recommendation of the City Manager shall be required and the ordinance shall find the need for the issuance of revenue bonds under this section for the purposes stated in the resolution and the purposes stated in the question submitted to the qualified voters of the City shall be the purposes stated in such resolution. In the event the Council adopts a resolution to proceed without the recommendation by the City Manager, the ordinance calling the election may be adopted only by a vote of at least two-thirds of the members of the Council and at a meeting subsequent to that at which the resolution was adopted.

The ordinance calling the election shall·

(a) state the purposes for which the bonds are proposed to be issued;

(b) state the principal amount of the bonds;

(c) state the maximum rate of interest on the bonds, which shall not exceed six per cent per annum, payable semiannually;

(d) call the election and fix the election date;

(e) fix the manner of holding the election;

(f) fix the manner of voting for or against the issuance of the bonds.

In all particulars not stated in said ordinance the election shall be held and the votes canvassed in the manner provided by law for general municipal elections in the City.

The question may be submitted at a special election called for that purpose or at any City election and any special election called for the purpose of voting upon a question of issuing bonds under this section may be consolidated with any election at which all of the qualified voters residing within the City are entitled to vote Such consolidation may be made in any manner authorized under the Elections Code of the State of California or under the Elections Code of the City.

(4) The ordinance shall be published once a week for two succeeding weeks in the official newspaper of the City, the first publication to be at least 21 days prior to the election. No other notice of such election need be given. If a majority of the voters voting on the question of issuing the bonds vote in favor of the issuance thereof bonds in an amount not exceeding the amount stated in the ordinance calling the election may be issued.

No error, irregularity or omission in the election or in any of the proceedings prior thereto which does not affect the substantial rights of the people of the City or the electors voting at the election at which any revenue bonds are authorized under this section shall invalidate the election

(5) The Council may issue all of such bonds in one issue or may divide the principal amount of any issue into two or more series and fix different dates of issuance and maturity for the bonds of each series. The Council may fix a date not more than five 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 may be made to mature and become payable in approximately equal total annual installments of interest and principal during the term of the bonds, computed from the first year in which any part of the principal shall mature to the date of final maturity. The determination of the Council as to what constitutes approximately equal total annual installments of interest and principal shall be final and conclusive.

Any ordinance providing for the issuance of bonds hereunder shall recite the objects and purposes for which the bonds are to be issued, the principal amount of the bonds to be issued pursuant to such ordinance, the maximum rate of interest to

be payable thereon, not to exceed six per cent per annum, payable semiannually, the date of issue of said bonds, and the maturities thereof.

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 section shall be conclusive evidence of compliance with the provisions of this section and of the validity of such bonds, and no bona fide purchaser of any such bond containing the recital permitted by this section shall be required to see to the existence of any fact or to the performance of any condition or to the taking of any proceeding required prior to the actual issuance and delivery of said bonds or to the application of the purchase price paid for said bonds.

Terms and conditions

Subdivision 1. Revenue Bonds—Terms and Conditions: In any ordinance providing for the issuance of revenue bonds under this section, the Council may fix the terms and conditions thereof (including covenants) and may in any article, section, sentence or clause thereof make such provision (including covenant) as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including, without affecting the generality of the foregoing, any or all of the following:

(a) The denomination or denominations of the bonds, the medium of payment thereof, the place or places of payment thereof, which may be within or without the State of California, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination and conditions of any temporary bonds or interim certificates, and the manual (one signature must be manual) and facsimile signatures to be affixed to said bonds (definitive or temporary) or interim certificates, and the facsimile signature to be affixed to interest coupons;

(b) The terms and conditions under which said bonds or any part thereof may be paid and redeemed before maturity (including the premiums, if any, payable upon bonds redeemed prior to maturity), exchanged, registered, transferred, or negotiated;

(c) Covenants or provisions relating to rates (called in this section Sewer Service Charges). Such sewer service charges shall be fixed by the Council of said City and, with reasonable allowances for contingencies, must be at least sufficient, together with other revenues, if any, payable into the sewer revenue fund, to provide revenues sufficient to pay, as the same become due, principal and interest of all revenue bonds payable out of said sewer revenue fund (including all payments required to be made into reserve and sinking funds, if any, for said revenue bonds) and all other obligations payable from the sewer revenue fund, and the necessary expenses of maintaining and operating the sewer system of the City. The ordinance may also state the extent, if any, to which such sewer service may be furnished or rendered to the City

or to the United States of America, the State of California, or to any city or other public corporation or body at lower rates than otherwise charged;

(d) The collection, deposit and safekeeping of the revenues; the permissible uses thereof; provided, however, that such revenue may be used only as authorized in this section and by any ordinance providing for the issuance of revenue bonds under this section. Nothing in this section shall restrict the Council in its discretion in any ordinance authorizing the issuance of revenue bonds under this section from providing for the payment of the expenses of maintenance and operation of the sewer system of the City prior to or subsequent to the payment of principal and interest of the revenue bonds or the setting aside in the bond service, sinking, redemption, reserve, or other fund, monthly or otherwise, of funds therefor;

(e) The special fund or funds to be established and maintained for the payment of principal and interest of the bonds, including reserve, sinking, bond service, redemption, and trust funds, and any revenue bond payable from the Sewer Revenue Fund may be paid from any such special fund set up therefor; the permissible investments of moneys in said funds, or any thereof; the accounts and records to be kept, audits thereof and examination thereof by bondholders and others;

(f) Carrying of insurance upon any sewers, sewage treatment plant or plants or sewage disposal works against any or all risks, and in case of loss the application of the insurance proceeds;

(g) Prohibition against or limitations upon the sale, lease or other disposition or transfer of the sewer system of the City or any substantial part thereof, and the use of any funds derived from any sale, lease or other disposition or transfer permitted under the terms of said ordinance;

(h) Limitations upon the issuance of any additional bonds payable from the Sewer Revenue Fund, but no bond shall be issued pursuant to this section or under any other provision of this Charter or any other law having any priority in payment of principal or interest out of such fund over any revenue bonds theretofore or thereafter issued and payable out of said fund;

(i) Provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all holders to modifications of provisions of any ordinance, resolution or order authorizing or providing for the issuance of such bonds or the sale thereof, or to a refunding of said bonds and to calls or exchanges in connection with such refunding;

(j) For the issuance of a duplicate, in the manner and upon such terms and conditions as the Council may determine, in the event any bond, temporary bond, coupon or interim certificate of any such issue is lost, destroyed or mutilated;

(k) Any other provision (including covenant) valid under the Constitution of the State of California and the United States of America.

Such ordinance shall be subject to referendum in the manner that other ordinances of the City are subject to referendum.

Any ordinance providing for the issuance of any revenue bonds under this section and all other ordinances, resolutions or orders in the proceeding for the issuance of said bonds shall constitute a contract with the holders of the bonds and may be enforced by any holder by mandamus, injunction or any applicable legal action, suit, proceeding or other remedy.

Limitations

Subdivision 2. LIMITATIONS. Revenue bonds issued under this section shall be issued substantially in compliance with the following limitations:

(a) No bond shall run more than forty years from the date of issuance thereof;

(b) Said bonds shall be designated "Sewer Revenue Bonds" and each bond shall state on its face that it does not constitute an indebtedness of the City but is an obligation payable, principal and interest, and premiums, if any, upon the redemption thereof only from the Sewer Revenue Fund, but this shall not preclude the payment or redemption thereof from the proceeds of refunding bonds or the payment thereof from premium and accrued interest received upon the sale of the bonds;

(c) Said bonds shall be sold only at public sale following such notice as the Council by resolution or order may prescribe; provided, however, that if no bid or no satisfactory bid is received pursuant to such notice the Council may reject all bids received, if any, and may thereafter sell such bonds at public or private sale; provided, further, that the provisions of this subsection shall not apply to the exchange of any refunding bonds for outstanding bonds Any such revenue bonds may be sold at a fixed rate of interest or the bidders may be invited to state the rate or rates of interest at which they will purchase said bonds, but no rate on any of the bonds shall exceed the maximum rate stated in the ordinance calling the election to vote upon the issuance of said bonds If the bidders are invited to state the interest rate or rates, then upon the acceptance of a bid the Council shall by resolution or order, which shall not be subject to referendum, fix such interest rate or rates as have been bid by the successful bidder as the rate or rates of interest on the bonds sold;

(d) Said bonds shall be sold for not less than par and accrued interest to date of delivery. The proceeds from the sale (except premium and accrued interest which shall be paid into the bond service or other fund designated or established for the payment of principal and interest of the bonds) shall be paid into the construction fund designated by the ordinance providing for issuance of such bonds and shall be applied exclusively to the objects and purposes set forth in such ordinance; provided, however, (1) that the Sewer Revenue Fund from which the bonds are payable may be reimbursed from such proceeds for expenditures for purposes for which the bonds were issued made from such Sewer Revenue Fund after the issuance of the bonds has been approved at the election

thereon; (2) that said proceeds may be used for the payment of interest on said bonds during the period of acquisition and construction and for the first six months thereafter; and (3) that when the objects and purposes for which the bonds are issued have been accomplished any remaining unexpended funds derived from the sale of said bonds shall be used for the payment of principal and interest of said revenue bonds or for the redemption of any callable bonds thereof.

Refunding bonds

(6) Refunding revenue bonds may be issued for the payment or redemption of any revenue bonds issued pursuant to this section and such refunding bonds may be issued in principal amount sufficient to refund the outstanding bonds proposed to be refunded thereby, including payment of accrued interest and of any premiums thereon and all expenses of such refunding. Refunding revenue bonds shall be authorized, issued and sold substantially in the manner provided for the issuance and sale of other revenue bonds hereunder or may be exchanged for the outstanding bonds to be refunded upon such terms and conditions as may be stated in the ordinance authorizing such refunding bonds, except that no election shall be necessary to authorize the issuance of refunding bonds hereunder The ordinance providing for the issuance of refunding bonds shall be subject to referendum in the same manner as other ordinances of the City.

(7) To the extent that any provision of any ordinance authorizing the issuance of revenue bonds pursuant to this section or any provision of any ordinance, resolution or order pertaining to such revenue bonds adopted pursuant to the authority of this section is inconsistent with any of the provisions of any other section of this Charter the provisions of such ordinance, resolution or order shall control so long as any of the bonds or coupons to which the same pertain are outstanding and unpaid. No bond shall be deemed to be outstanding and unpaid within the meaning of this section if moneys for the purpose of paying the same or redeeming the same prior to maturity and sufficient therefor have been irrevocably set aside in a bond service fund, sinking fund, redemption fund, or other trust fund created to insure the payment or redemption thereof

The Council is authorized to take any and all steps necessary or convenient for the authorization, issuance and sale of revenue bonds under this section and for the payment or redemption thereof.

Charges

(8) The Council may at any time establish and collect sewer service charges and must establish and collect such sewer service charges as required by any ordinance providing for the issuance of revenue bonds under this section. Sewer service charges shall not be deemed taxes or assessments within the meaning of any section of this Charter and shall not be enforceable by any lien upon real property. 'Sewer service charges' may be collected with water rates, fees or charges (herein called 'water rates') of The City of San Diego. The Council

may provide and covenant that the sewer service charges shall be collected with and not separately from the water rates of said City and that all charges shall be billed upon the same bill and collected as one item and may also provide and covenant that in the event of nonpayment of any part of the bill for the sewer service charge and water rate, the water service shall be shut off within such time as may be or shall have been prescribed by the Council Delinquent sewer service charges may be collected by suit in any court of competent jurisdiction The Council also may prescribe and establish penalties for the nonpayment of sewer service charges. The Council may take any and all steps to provide, establish and collect sewer service charges.

All 'revenues' shall be paid into the Sewer Revenue Fund and shall be used only for the following purposes: (1) paying the cost of maintenance and operation of the sewer system of The City of San Diego; (2) paying principal and interest (including payments into any reserve or sinking fund) and premiums, if any, upon redemption, of sewer revenue bonds issued under this section and payable from said Sewer Revenue Fund; (3) paying all or any part of the cost and expense of extending, reconstructing or improving the sewer system of the City or any part thereof

Any ordinance providing for the issuance of revenue bonds hereunder may contain covenants defining, limiting or restricting the use of moneys in said Sewer Revenue Fund and said covenants shall control so long as any bonds issued under said ordinance are outstanding and unpaid within the meaning of this section

Moneys derived from sewer service charges and in the Treasury of The City of San Diego unencumbered at the time revenue bonds are first issued under the provisions of this section shall thereafter be used only for purposes permitted under this section. Interest on investments of any fund created by or under the authority of this section shall be credited to any such fund

(9) Nothing in this section shall be deemed to restrict or prevent the City from issuing general obligation bonds for sewer purposes. General obligation bonds of the City may also be issued to refund any revenue bonds, principal, interest and premium, if any, issued under this section, if authorized by a two-thirds vote of the qualified electors of the City voting upon the question of the issuance thereof at an election called and held for that purpose. Such election may be called by ordinance in the same manner as any other special election is called under the Charter of the City. General obligation bonds

Nothing in this section shall be construed to prevent or restrict the City from expending funds derived from taxes for the maintenance and operation of sewers or the construction of sewers, but no funds derived from taxes shall be used for the payment of principal or interest of any revenue bonds issued under this section and no funds derived from taxes shall Use of tax revenues

be considered 'revenues' as in this section defined and no such funds derived from taxes shall be paid into the Sewer Revenue Fund.

Special assessments

Nothing in this section shall be construed to prevent or restrict the City from levying special assessments for the acquisition and construction of sewers or sewer works and such assessments shall not be construed as 'revenues' as defined in this section and shall not be paid into the Sewer Revenue Fund.

Nothing in this section shall be construed as implying any doubt of the power of the City to establish sewer service charges prior to adoption of this amendment."

PROPOSITION E.

Amend Section 12 of Article III of the Charter of The City of San Diego to read as follows:

City council

"Section 12. The Council. The Council shall be composed of seven (7) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of May next succeeding their election and until their successors are elected and qualified.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Councilmen; but in the event that said remaining Councilmen fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

In case a member of the Council is absent from the City for a period of forty (40) days, unless by permission of the Council, his office shall be declared vacant by the Council and the same filled as in the case of other vacancies.

The rate of pay of each Councilman shall be Five Thousand Dollars ($5,000.00) a year.

No Councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor and a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter."

PROPOSITION F.

Amend Section 83 of Article VII of the Charter of The City of San Diego to read as follows:

"Section 83. Payment of Claims Against the City. No Claims
claim against the City shall be paid except by means of a warrant on the treasury issued by the Auditor and Comptroller. The Auditor and Comptroller shall issue no warrant for the payment of a claim unless the claim be evidenced by voucher approved by the head of the Department or office for which the indebtedness was incurred, and each such officer and his surety shall be liable to the City for all loss or damage sustained by reason of his negligence or corrupt approval of any claim. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; provided, however, that warrants for salaries of officers and employees shall be allowed by the Auditor and Comptroller and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims."

PROPOSITION G.

Amend Section 10 of Article II of the Charter of The City of San Diego to read as follows:

"Section 10. Elections. The regular municipal primary Elections
election shall be held on the second Tuesday in March in each odd-numbered year, and the general municipal election shall be held on the third Tuesday in April of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

At the municipal primary election there shall be chosen by the electors of each Council District two candidates for the office of any councilman from a district whose term expires the succeeding May.

There shall be chosen by all of the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding May.

In the event that any candidate, other than council candidates, for nomination to any office for which only one person is to be elected, shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidates so receiving such majority of all votes shall be deemed to be, and declared by the Council to be, elected to such office. Any candidate for the office of Member of the Board of Education elected at large who shall receive votes on a majority of all the ballots cast for candidates therefor at such primary election, shall be deemed to be, and declared by the Council to be, elected to such office; and where two or more candidates are to be elected to such office and a greater number of candidates receive a majority then the number to be elected, those candidates who secure the highest votes of those receiving such majority, and equal in

number to the number to be elected, shall be deemed to be, and declared by the Council to be, elected to such office.

At the general municipal election the electors of the whole City shall select from among the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding May, and there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in May succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 27th day of December, 1956.

(SEAL)

CHAS. C DAIL
Mayor of The City of San Diego, California
FRED W. SICK
City Clerk of The City of San Diego, California.

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego

CHAPTER 8

Senate Concurrent Resolution No. 7 — Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 10, 1957]

City of San Diego Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

Certificate

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, duly proposed to the qualified electors of The City of San Diego five certain amendments to the Charter of said City, designated as Propositions "C", "D", "E", "F", and "G", respectively, and ordered said five proposed Charter amendments to be submitted to said qualified electors at the special municipal election called and held in said City on the 6th day of November, 1956. Said special municipal election was duly and regularly consolidated with the Statewide General Election to be held on said date.

That all of said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of

California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to-wit: on September 26, 1956.

That, in accordance with the provisions of said Section 8 of Article XI, copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and until the date fixed for the election herein described a notice was advertised and published in the San Diego Union, a daily newspaper of general circulation in said City, that such copies could be had upon application therefor in the office of the City Clerk of The City of San Diego.

That such copies of said proposed Charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at said special municipal election held in said City.

That at said election on the said proposed amendments to the Charter of The City of San Diego a majority of the qualified voters of the City voting on each thereof voted in favor of the propositions designated as Propositions "C", "D", "E", "F", and "G", and each and every one of said proposed amendments was ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI, the Charter of The City of San Diego and the laws of the State of California.

That as to each of the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION C.

Amend Section 24 of Article IV of the Charter of The City of San Diego to read as follows:

Mayor

"Section 24. MAYOR. The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of his office. He shall have no power of veto, but shall have a vote as a member of the Council He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes.

In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

The rate of pay of the Mayor shall be $12,000.00 per year.

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided, however, that if the Council shall fail, to fill such vacancy by appointment within thirty (30) days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy. Any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term ''

PROPOSITION D.

Amend Section 115 of Article VIII of the Charter of The City of San Diego to read as follows:

''Section 115. Civil Service Commission. There shall be a Civil Service Commission consisting of five members who shall be electors of the City. Not more than three members of the Commission shall be of the same sex. The Mayor, with the approval of the Council, shall appoint the members of the Commission. The Commissioners so appointed shall draw lots for terms of one, two, three, four and five years, respectively. Thereafter members of the Commission shall be appointed to serve for five years and until their successors have been appointed and qualified. The Mayor, with the approval of the Council, shall fill any vacancy. An appointment to fill a vacancy shall be for the unexpired term of the office being filled. Civil Service Commission

Members of the Civil Service Commission shall not hold any other office in the City government.

The City Council may remove a member of the Civil Service Commission for cause by vote of at least five members of said Council, provided, however, that written charges shall first be made against such member and an opportunity afforded for a public hearing before the Council upon such charges.''

PROPOSITION E.

Amend Section 117 of Article VIII of the Charter of The City of San Diego to read as follows:

''Section 117. Classification. The administrative service of the City is hereby divided into the Unclassified and Classified Service, as follows: Classification of administrative service

The Unclassified Service shall include all elective positions and the following administrative offices:

Assistant to the Mayor; a confidential secretary to the Mayor; City Manager, a confidential secretary, one Assistant Manager and two Assistants to the Manager; City Clerk; City

Auditor and Comptroller; Park and Recreation Director; Director of Mission Bay Park; City Librarian; Chief of Police; Director of Building Inspection; Director of Operations of Police Department; Director of Service of Police Department; confidential secretary to the Chief of Police; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Public Works; Director of the Water Department; Hydraulic Engineer; Superintendent of Maintenance and Operation of the Water Department; Director of Public Health; a confidential secretary to the Director of Public Health; Director of Social Service; Industrial Coordinator; officers and employees of the San Diego Unified School District; members of all Commissions and Advisory Boards who serve the City without compensation.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service."

PROPOSITION F.

Amend Section 57 of Article V of the Charter of The City of San Diego to read as follows:

Police Department

"Section 57. Police Department. The Police Department shall consist of a Chief of Police and such other officers, members and employees as the Council may from time to time prescribe by ordinance. All members of the Police Department at the time this Charter takes effect shall be retained and shall only be removed for cause, as provided in Section 129 of Article VIII of this Charter, or as otherwise provided herein.

The Chief of Police shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of Police may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter.

The Chief of Police, with the approval of the City Manager, shall appoint, direct and supervise the personnel, subject to Civil Service regulations, have charge of the property and equipment of the department and exercise all powers and duties provided by general laws or by ordinance of the Council. The Chief of Police shall have all power and authority necessary for the operation and control of the Police Department.

The Chief of Police, with the approval of the City Manager, may establish a training school and Merit System for training and disciplining members of the department. The rules and regulations of such system and all changes must be approved by the Council. After the establishment of the merit system all appointments to the Police Department shall be made in accordance with the Civil Service provisions of this Charter. But, after appointment members of the Police Department shall not be subject to Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from

the Police Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of Police, and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief of Police, may, within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who, after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

The City Manager, with the approval of the Council, shall have the power to contract with a physician and surgeon, licensed to practice in the State of California, to perform the duties of Police Surgeon and to provide all medical services necessary for the operation of the Police Department."

PROPOSITION G.

Amend Section 58 of Article V of the Charter of The City of San Diego to read as follows:

"Section 58. Fire Department. The Fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance. All members of the Fire Department at the time this Charter takes effect shall be retained and shall only be removed for cause as otherwise provided herein. Fire Department

The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council; provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter. In appointing the Chief of the Fire Department, the City Manager shall make his selection preferably from the ranks of the active members of the Fire Department with a rank of not less than that of battalion chief.

The Chief of the Fire Department, with the approval of the City Manager, shall direct and supervise the personnel, have charge of the property and equipment of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council. All appointments to the Fire Department shall be made in accordance with the Civil Service provisions of this Charter from applicants not less than twenty-one nor more than thirty years of age. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire Department shall be made in accordance with fixed rules and regulations

of a Merit System established by the Chief of the Fire Department and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief of the Fire Department, may within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

It shall be the duty of the Chief of the Fire Department to superintend the prevention and extinguishment of fires, establish rules and regulations for the operation and control of the Fire Department and provide penalties for the violation thereof, exercise full power and authority over all appropriations made for the use of the Fire Department, subject to the approval of the City Manager.

The uniformed force of the San Diego Fire Department shall be divided into two divisions—one to perform duty days and one to perform duty nights. The day shift shall perform duty for a consecutive period of ten (10) hours, and the night shift for a consecutive period of fourteen (14) hours, except on change of shifts, when each shift shall alternately stand duty for a period of twenty-four (24) hours while the opposite shift is off duty, and such change of shift shall be made every third day, except in cases of emergency. The Chief of the Fire Department, however, with the approval of the City Manager, may change the hours of work, and the time of shifts above described, for the purpose of improving the working conditions of the members and the efficiency of said department, but no change shall be made which will impose additional burdens upon the members of said department or materially affect the double platoon system. The Chief of the Fire Department shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The City Manager, with the approval of the Council, shall have the power to contract with a physician and surgeon, licensed to practice in the State of California, to perform the duties of Fire Surgeon and to provide all medical services necessary for the operation of the Fire Department."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 27th day of December, 1956.

(SEAL)

CHARLES C. DAIL
Mayor of The City of
San Diego, California
FRED W. SICK
City Clerk of The City of
San Diego, California

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego.

CHAPTER 9

Senate Concurrent Resolution No. 1—Approving amendments to the charter of the County of Sacramento, State of California, ratified by the qualified electors of said county at an election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 11, 1957]

County of Sacramento Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of said county, as follows, to wit:

CERTIFICATE OF FACTS

Certificate

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the

Secretary of State of the State of California, on the 11th day of May, 1933; and

WHEREAS, The Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution did by Resolution adopted the 5th day of September, 1956, duly propose to qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments D, E, F, G and H, and ordered that said proposed amendments be submitted to the said qualified electors of said County at the general state election to be held on the 6th day of November, 1956; and

WHEREAS, Said amendments so proposed were published ten times, to wit: beginning September 7, 1956, and ending September 20, 1956, inclusive, in The Daily Recorder, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento; and

WHEREAS, The Board of Supervisors of said County of Sacramento, did, in the manner provided by law, duly and regularly canvass the returns of said election, and, on the 26th day of November, 1956, did duly declare the result of said general state election, as determined from the canvass of the returns thereof; and

WHEREAS, At said general state election held on the 6th day of November, 1956, said proposed County Charter Amendments D, E, F, G, and H, were ratified by a majority of the electors of said County voting thereon; and

WHEREAS, Said Charter amendments, so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT D

That the Charter of said County of Sacramento be amended by amending Subdivision J of Section 15 of Article V of said Charter relating to the authority of the Board of Supervisors to provide for the assumption of functions of municipalities and special districts by adding thereto the following paragraph:

Municipal and district functions

The terms and conditions upon which such functions are to be performed may be fixed by agreement of the parties, or by Ordinance of the Board of Supervisors, and notwithstanding any other provision of this Charter, said agreement or Ordinance may provide for the consideration to be paid to the County the blanketing into County Civil Service without examination of any or all officers or employees who have been performing such functions for such municipalities or special districts for at least six months, and for the terms and condi-

tions upon which such persons are to be employed in the classified service of the County, including but not limited to, seniority, sick leave, vacation or retirement benefits granted County employees.

PROPOSED COUNTY CHARTER AMENDMENT E

That the Charter of said County of Sacramento be amended by repealing Subdivision J of Section 21 of Article VII of said Charter which requires the County Executive to examine all claims against the County and to endorse his approval or disapproval thereon, and recommend the allowance or disallowance thereof, prior to action thereon by the Board of Supervisors. Repeal

PROPOSED COUNTY CHARTER AMENDMENT F

That the Charter of said County of Sacramento be amended by repealing Section 47 of Article X of said Charter requiring all claims or demands against the County be presented to the County Executive for his approval or rejection before being passed upon or allowed by the Board of Supervisors. Repeal

PROPOSED COUNTY CHARTER AMENDMENT G

That the Charter of the County of Sacramento be amended by amending Subdivision H of Section 15 of Article V of said Charter relating to the authority of the Board of Supervisors to let contracts for public works, to read as follows:

The Board of Supervisors shall let all contracts for public works in accordance with the laws of the State of California. Public works contracts

PROPOSED COUNTY CHARTER AMENDMENT H

That the Charter of said County of Sacramento be amended by amending Section 81 of Article XVIII of said Charter relating to the use of County owned motor vehicles, to read as follows:

The Board of Supervisors shall cause all motor vehicles belonging to the County to have painted conspicuously, on each side, the words "Property of Sacramento County," "For Official Use Only," except that such motor vehicles as may be designated by the Sheriff, District Attorney and Probation Officer, in their respective departments, with the approval of the Board of Supervisors, as necessary for confidential departmental investigations, may be exempted from the foregoing provision. A record shall be kept showing the use of each motor vehicle. County vehicle markings

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.

We, the undersigned, FRANK R. ELMER, Acting Chairman of the Board of Supervisors of the County of Sacramento, State of California, and C. C. LARUE, County Clerk and

Ex-officio Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at the general state election held on the 6th day of November, 1956, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinabove set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento this 19th day of December, 1956.

FRANK R. ELMER
(SEAL) Acting Chairman of the Board of Supervisors of the County of Sacramento, State of California.
C. C. LARUE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Sacramento, State of California.

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the County of Sacramento, as presented to and adopted and ratified by the electors of said county, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of said County of Sacramento.

CHAPTER 10

Senate Concurrent Resolution No. 2—Approving amendments to the charter of the County of Sacramento, State of California, ratified by the qualified electors of said county at a special county election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 11, 1957.]

County of Sacramento Charter amendments.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the

charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of said county, as follows, to wit:

CERTIFICATE OF FACTS

Certificate

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

WHEREAS, The Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolution adopted the 9th day of April, 1956, duly propose to qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments 1, 2, 3 and 4, and ordered that said proposed amendments be submitted to the said qualified electors of said County at a special election to be held on the 5th day of June, 1956; and

WHEREAS, Said amendments so proposed were published ten times, to-wit: beginning April 12, 1956, and ending April 23, 1956, inclusive, in The Sacramento Union, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento; and

WHEREAS, Said Board of Supervisors of said County did, by Ordinance designated as Ordinance No 529, which was duly adopted on the 9th day of April, 1956, order the holding of a special county election on the 5th day of June, 1956, which said Ordinance was published for five times in The Sacramento Bee, a daily newspaper, printed, published and circulated in said County, on the following dates, to-wit: April 12, 13, 14, 16 and 17, 1956; and

WHEREAS, Said special election was held in said County of Sacramento on the 5th day of June, 1956, which said day was not less than thirty days nor more than sixty days after said four proposed amendments to said County Charter had been published for ten times in The Sacramento Union.

WHEREAS, The Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 25th day of June, 1956, did duly declare the result of said special election, as determined from the canvass of the returns thereof; and

WHEREAS, At said special election held on the 5th day of June, 1956, said proposed County Charter Amendments 1, 2, 3 and 4 were ratified by a majority of the electors of said County voting thereon; and

WHEREAS, Said Charter amendments, so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT NO. 1

That the Charter of said County of Sacramento be amended by amending Section 26 of Article VIII of the Charter relating to Supervisorial Appointments by adding thereto the following paragraph:

County counsel

Notwithstanding any provision of this Charter to the contrary or inconsistent therewith, the Board of Supervisors may appoint a County Counsel and fix his compensation. The County Counsel shall be a duly qualified and licensed attorney admitted to practice in all the Courts of the State of California. He shall act as legal advisor and counsel for the various county officers, boards and commissions, as prescribed by general laws. He shall also act as attorney for the Public Administrator in the matter of all the estates under the jurisdiction of the Public Administrator, and in every such matter collect the attorney fees allowed by law and pay same into the County Treasury. The first appointment shall be made from the Civil Division of the District Attorney's Office. If the person appointed has permanent civil service status, he shall have the same status as County Counsel. All employees of the Civil Division of the District Attorney's Office shall become employees of the Office of County Counsel and shall retain their civil service status in the same grade and class.

PROPOSED COUNTY CHARTER AMENDMENT NO. 2

That the Charter of said County of Sacramento be amended by amending Section 45A, Subdivision (12) of Article IX of said Charter relating to appointments in the classified service to read as follows:

Civil service Temporary appointments

Section 45A (12). The appointing power may appoint any person subject to approval of the Commission to fill a vacancy in the classified Civil Service whenever no examination has ever been held for such position or whenever the Civil Service list for such position is exhausted, such appointee to serve until an eligible list for such position is created and an appointment made therefrom, but not to exceed twenty (20) days after such eligible list is created unless such list is exhausted within said period of time.

PROPOSED COUNTY CHARTER AMENDMENT NO. 3

That the Charter of said County of Sacramento be amended by amending the second paragraph of Section 19 of Article VI of said Charter relating to the salary of the County Executive, to read as follows:

The County Executive shall receive a salary which shall be fixed by the Board of Supervisors prior to his appointment, and annually thereafter. Such salary shall be payable in twelve equal monthly installments. County executive

PROPOSED COUNTY CHARTER AMENDMENT NO. 4

That the Charter of the County of Sacramento be amended by amending Section 45A, Subdivision 3, Subsection (k) of Article IX thereof, by adding thereto the following:

No person shall be permitted to take an examination for the classified service who has not been a resident of the County of Sacramento for one year prior to the closing date for filing the application therefor. The Civil Service Commission may waive residential requirements whenever it determines that a necessity exists therefor. Civil service Residence requirement

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.

We, the undersigned, FRANK R. ELMER, Acting Chairman of the Board of Supervisors of the County of Sacramento, State of California, and C. C. LARUE, County Clerk and Ex-officio Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at a special election held on the 5th day of June, 1956, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento this 19th day of December, 1956.

(SEAL)

FRANK R. ELMER
Acting Chairman of the Board of Supervisors of the County of Sacramento, State of California

C. C. LARUE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Sacramento, State of California.

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the County of Sacramento, as presented to and adopted and ratified by the electors of said county, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of said County of Sacramento.

CHAPTER 11

Senate Concurrent Resolution No. 3—Approving a certain amendment to the charter of the County of San Diego, State of California, submitted to, voted for and ratified by the qualified electors of said county at a special election consolidated with the direct primary and presidential primary elections held therein on June 5, 1956.

[Filed with Secretary of State, January 11, 1957.]

County of San Diego Charter amendment

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The board of Supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution and order adopted on April 10, 1956 duly propose to the qualified electors of said County of San Diego an amendment to the charter of said county, designated on the ballot as County Proposition 1, consisting of the amendment of Sections 48, 49, 50, 51 and 52 of Article X of said Charter, and ordered that said amendment be submitted to said qualified electors of said county at a special election to be held in said county on June 5, 1956, and consolidated with the State-wide direct primary and presidential primary elections to be held on said date, which date

was fixed by law as the date for holding said primary elections; and

WHEREAS, Said proposed amendment to the Charter of the County of San Diego was published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on April 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, 1956; and

WHEREAS, Said special charter amendment election was called by said Board of Supervisors by the adoption on May 1, 1956 of Ordinance No. 1551 (New Series) of the County of San Diego, which ordinance specified the purpose and time of such election, ordered it consolidated with the State-wide direct primary and presidential primary elections of June 5, 1956, established the election precincts and designated the polling places therein, specified the names of the election officers for each such precinct, and was published five times in the San Diego Union, a daily newspaper of general circulation printed, published and circulated in the County of San Diego, on May 7, 8, 9, 10 and 11, 1956; and

WHEREAS, Said special election so consolidated with said direct primary and presidential primary elections was held in said County of San Diego on June 5, 1956, which said day was not less than 30 days and not more than 60 days after said proposed amendment to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said special election held in the County of San Diego on June 5, 1956, at which said election said proposal was duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on July 2, 1956, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said special election held on June 5, 1956, said proposed amendment to the Charter of the County of San Diego was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment so ratified by the electors of said County of San Diego is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and is in words and figures as follows, to wit:

COUNTY PROPOSITION 1—AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Sections 48, 49, 50, 51 and 52 of Article X of said charter be amended to read as follows:

Board of Public Welfare Composition and appointments

SECTION 48: The existing Board of Public Welfare is abolished. There is created a new Board of Public Welfare consisting of not less than 7 nor more than 25 members who shall be appointed by the Board of Supervisors. At least one member of the Board of Public Welfare shall be a member of the Board of Supervisors. Members other than members of the Board of Supervisors shall be designated and selected in a manner prescribed in the Administrative Code so as to provide representation from a variety of organizations and vocations related to or interested in the conduct of a public welfare program. Such representation shall be sought from, but not limited to, such organizations as recognized chambers of commerce, the medical society, the labor council, community chests, parent-teacher associations, taxpayer associations and others. All appointments to the Board of Public Welfare shall be made in such a manner that no single professional or business group shall constitute more than one-fifth of the membership and so that neither sex shall preponderate in the membership by more than one member.

Members of the Board of Public Welfare other than members of the Board of Supervisors shall serve for a term of four years except that at the organization meeting of the first Board of Public Welfare, these members shall classify themselves by lot in such manner that half or one more than half of the members shall hold office until December 31, 1958 and the remaining members shall hold office until December 31, 1960. In any ordinance increasing, decreasing or modifying the membership of the Board of Public Welfare other than as to County Supervisor members, the Board of Supervisors shall provide, in the case of an increase, for the expiration of the initial term of each new member on one of the foregoing dates or on one of the four year intervals thereafter so as to maintain the same ratio between the two groups of terms of the entire membership, and in the case of a decrease or modification, for the termination of the term of any membership being eliminated so as to continue that ratio

Any vacancy occurring in any membership on the Board of Public Welfare shall be filled for the unexpired term by appointment in the same manner established for an original appointment to fill that membership. Members of the Board of Public Welfare other than members of the Board of Supervisors shall serve without compensation

Removal

SECTION 49: Members of the Board of Public Welfare may be removed by the Board of Supervisors for the following reasons:

a. Incapacity or failure to serve.

b. Acts inimical to the county service.

Absence from six consecutive meetings shall constitute prima facie evidence of incapacity or failure to serve.

Duties

SECTION 50: It shall be the duty of the Board of Public Welfare to:

a. Advise the Board of Supervisors and the executive head of the county agency administering welfare on matters relating to public welfare policy and the specific programs assigned to such agency;

b. Recommend to the Board of Supervisors the adoption of such rules, regulations and ordinances relating to public welfare as it may deem necessary and desirable;

c. Perform such other duties as may be assigned from time to time by the Board of Supervisors or otherwise required by law.

County Hospital Committee

SECTION 51: There shall be established a County Hospital Committee consisting of seven (7) members, appointed in the following manner: two (2) members shall be appointed by the San Diego County Medical Society, subject to the approval of the Board of Supervisors; two (2) members shall be appointed by the Board of Supervisors, subject to the approval of the San Diego County Medical Society; one (1) member shall be a County Supervisor appointed by the Board of Supervisors; one (1) member shall be the executive head of the county agency administering welfare; and these six (6) members shall appoint a seventh and remaining member by a majority vote; all members except the County Supervisor and the executive head of the county agency administering welfare shall serve without compensation and all shall hold office at the pleasure of the appointing power.

The County Hospital Committee shall act in an advisory capacity to the Board of Supervisors in matters pertaining to the operation of the County Hospital, County Infirmary and County Farm, and it shall be their duty to appoint the medical staff of the said institutions, including in such staff a superintendent and all medical professional assistants, internes and nurses, all of which appointments shall be subject to confirmation and approval by the Board of Supervisors. It shall also be the duty of said committee to investigate the status and eligibility of all applicants for treatment by or admission to any of the said institutions.

Same

SECTION 52: The County Hospital Committee may make and provide all necessary rules and regulations not inconsistent with general law and this Charter pertaining to the conduct of the medical institutions of the County, and such rules and regulations shall, when approved by the Board of Supervisors, be set forth in the Administrative Code.

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

Certificate

We, the undersigned, David W. Bird, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk and ex officio Clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of San Diego, submitted to the electors of said county at a special election held in said county on June 5, 1956, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors, as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 10th day of July, 1956.

(SEAL)

D. W. BIRD
Chairman of the Board of Supervisors of the County of San Diego, State of California

R. B. JAMES
County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, State of California

ATTEST:
R. B. JAMES
County Clerk of the County of San Diego, State of California
(SEAL)

WHEREAS, Said proposed amendment to the charter of the County of San Diego, so ratified by a majority of the electors voting thereon at said special election held on June 5, 1956, has been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendment to the charter of the County of San Diego, as proposed by the Board of Supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as part of, the charter of the County of San Diego.

CHAPTER 12

Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 11, 1957.]

City of Bakersfield Charter amendments

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than 3,500 and fewer than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the twenty-third day of January, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the seventh day of November, 1914, and approved by the Legislature of the State of California in January, 1915; and filed with the Secretary of State on January 23, 1915; and

WHEREAS, On the fourteenth day of March, 1956, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held June 5, 1956, certain proposed amendments to the city charter of the City of Bakersfield, and thereafter on the second day of April, 1956, the city council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be held on the fifth day of June, 1956, which said date was fixed by the said city council of the City of Bakersfield as the time for voting on said amendments as proposed, and which said election was consolidated with the state consolidated direct primary election and presidential primary election held within said city on said date; and

WHEREAS, Said proposed amendments were published on the fourteenth day and on the sixteenth day of April, 1956, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said special election was duly and regularly held on the fifth day of June, 1956, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said

proposed amendments, and at said special election the said proposed amendments to said charter were voted upon by the qualified electors of the City of Bakersfield, and at said special election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said charter.

That the charter of the City of Bakersfield be amended by amending Sections 14 and 20 thereof and by adding a new section thereto to be known as Section 20.1, all of which said amendments shall read as follows:

LEGISLATIVE POWERS

City council:

Section 14 The legislative powers of the city, except as reserved to the people by this charter, shall be vested in a council of seven members, one to be elected from each of the seven wards of the city by the electors thereof, and a mayor elected from the city at large The mayor shall have the right to vote on all matters when the vote of the council results in a tie

MAYOR AND VICE-PRESIDENT OF COUNCIL

Mayor and vice president

Section 20 (a). Notwithstanding any other provision of this charter to the contrary, the provisions of this section shall govern as to the office of mayor The mayor shall be elected by the qualified electors of the city and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified, unless sooner removed from office by recall or otherwise. The mode of nomination and election of the mayor shall be as set forth in this charter for the nomination and election of other elective officers of the city, except as hereinafter specifically provided

(b) The mayor shall be the chief executive and the official head of the city for all legislative, policy, and ceremonial purposes, and shall execute all legal instruments and documents, and shall preside at all meetings of the council. The mayor shall not be vested with administrative authority.

(c) The mayor shall devote such time as may be necessary to properly and efficiently discharge the duties of his office, and shall receive an annual salary of Six Thousand Dollars ($6,000.00), payable in equal monthly installments, except as hereinafter provided. At the beginning of each fiscal year, the council shall appropriate a sum of money not to exceed Fifteen Hundred Dollars ($1,500.00) for the reception and entertainment of public guests by the mayor.

(d) An office adjacent to the office of the City Clerk shall be provided for the mayor for the conduct of his official duties.

(e) Secretarial services shall be furnished to the mayor from the office of the City Clerk, in the discharge of his official duties.

(f) The mayor shall be a resident of the city for three years next preceding his election and an elector therein. In all other respects, his qualifications shall be as set forth in Section 17 of this charter

(g) The office of mayor shall be first in order of precedence on the municipal ballot and shall be separately designated.

(h) All nominating petitions for the office of mayor shall be filed with the city clerk within the time prescribed by ordinance of the council, but in no event later than twenty-five days prior to the last day for filing with the Board of Supervisors of Kern County, the resolution of the city council requesting consolidation of local election with the State election The election proclamation shall be made as set forth in Section 78 of this charter. In all other respects the provisions of State law regulating State primary elections, shall apply

(i) The form of declaration of candidacy, the nomination petition and the requirements of certificate, shall be substantially the same as required by this charter for other elective officers of the city

(j) The nominating and general elections for the office of mayor shall be held concurrently with the State primary and State general elections, respectively

(k) At the first meeting and upon assuming the duties of the office of councilman, each new council shall elect one of its members vice-president of the council.

(l) During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore, without pay, for a period not to exceed thirty days. Thereafter, said mayor pro tempore shall receive the per diem pay to be deducted and based upon the monthly installments of compensation provided for the mayor until the duly qualified mayor shall again resume his official duties, at which time he shall again receive his monthly installments, or his pro rata share thereof, as the case may be

Absence from office or nonperformance of the duties of the office of mayor for thirty consecutive days without the prior consent of the city council, when not due to physical or other disability caused by sickness or accident, or absence from the office or nonperformance of the duties of the office for a period of ninety consecutive days without the consent of the city council during said absence, due to physical or other disability caused by sickness or accident, shall operate as a forfeiture of his office as mayor, and the council shall declare such office vacant.

(m) If a vacancy shall occur in the office of mayor, the council shall appoint a person, who may or may not be a member of the council, to fill such vacancy for the unexpired term, within fifteen (15) days of the time that the council shall be notified of such vacancy. In the event a member of the council is appointed to fill such vacancy, the resulting vacancy on said council shall be filled in accordance with Section 16 of this charter.

ELECTION OF FIRST MAYOR

Election of first mayor

Section 20 1 (a) Concurrently with these amendments to the charter, there shall be submitted to the electors of the city the names of the candidates for the office of mayor to be first elected, in conjunction with and pursuant to said charter amendments, and his qualifications and mode of nomination and election shall be as provided in Section 20 of the charter as amended, and said mayor first elected shall qualify and thereafter assume the duties of his office on the first Monday following the filing with the Secretary of State of the approval of said amendments by the State Legislature, and said mayor shall hold office until the first Monday after the first day of January, 1961, and until his successor is elected and qualified, unless sooner removed from office by recall or otherwise.

(b) In the event the first mayor is not elected as set forth in this section, the Council shall call a special election to be held within ninety (90) days from and after the filing with the Secretary of State of the approval of said amendments by the State Legislature, for the purpose of filling the office of mayor for the term ending the first Monday after the first day of January, 1961, in which event, all of the provisions of Article VII of this charter, excepting Sections 66, 67 and 84, shall apply. The candidate who has received the highest number of votes for such office at said special election, shall be declared elected for said first term and shall qualify and assume the duties of his office on the first Monday following said declaration

In case any two or more persons have an equal and highest number of votes for the office of mayor, the council shall, within thirty (30) days, at a special meeting called for such purpose, choose one of such persons to fill the said office by secret ballot of the majority of all the members of the council.

and

WHEREAS, In accordance with the law in such cases made and provided, the Board of Supervisors of the County of Kern caused the clerk of said county to canvass the returns of said election, and said clerk did duly and regularly canvass the returns of said election and on the twenty-ninth day of June, 1956, did certify the results of said canvass to the City Council of the City of Bakersfield, and on said twenty-ninth day of June, 1956, said city council did duly find, determine and declare the results of said special election, as determined from the canvass of the returns thereof as aforesaid to be that a majority of the qualified electors of said city voting thereon had voted in favor of and ratified said amendments to the charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, The foregoing is true as is shown by the certificate of Manuel J. Carnakis, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of said city, whose certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF KERN } ss.
CITY OF BAKERSFIELD

THIS IS TO CERTIFY that we, Manuel J. Carnakis, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at a special election held within the City of Bakersfield on June 5, 1956, and find that the foregoing is a full, true, correct and exact copy of said amendments. Certificate

We further certify that the facts set forth in the preamble preceding said amendments to said charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 6th day of July, 1956.

MANUEL J. CARNAKIS
(SEAL) Mayor of the City of Bakersfield
MARIAN S. IRVIN
Clerk of the City of Bakersfield

and

WHEREAS, Said amendments to the charter of the City of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Bakersfield. Approval

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CHAPTER 13

Senate Concurrent Resolution No. 6—Approving a certain amendment to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 6, 1956.

[Filed with Secretary of State, January 11, 1957.]

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body County of San Diego Charter amendment

politic, and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The Board of Supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolution and order adopted on September 25, 1956, duly propose to the qualified electors of said County of San Diego, an amendment to the charter of said county, designated on the ballot as County Proposition A consisting of the amendment of Sections 78, 80, 84, and 89 of Article XVII of said Charter, and ordered that said amendment be submitted to said qualified electors of said county at a general election to be held in said county on November 6, 1956, which date was fixed by law as the date for holding said general election, and

WHEREAS, Said proposed amendment to the Charter of the County of San Diego was published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on September 27, 28, 29, and 30 and October 1, 2, 3, 4, 5, and 6, 1956; and

WHEREAS, Said general election was held in said County of San Diego on November 6, 1956, which said day was not less than 30 days and not more than 60 days after said proposed amendment to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on November 6, 1956, at which said election said proposal was duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on December 11, 1956 duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on November 6, 1956, said proposed amendment to the charter of the County of San Diego was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment so ratified by the electors of said County of San Diego is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and is in words and figures as follows, to wit:

COUNTY PROPOSITION A AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Sections 78, 80, 84, and 89 of Article XVII of said charter be amended to read as follows.

Section 78: The Civil Service of the County is hereby divided into the Unclassified and the Classified service The Unclassified Service shall consist of: Civil service Classification

(a) All officers elected by the People and their Chief Deputies and all confidential or special investigators employed by any of said elective officers.

(b) The Assistant District Attorney and the Chief Deputy District Attorney and not to exceed three confidential or special investigators in said office, to be designated by the District Attorney.

(c) The Under-Sheriff and not to exceed three confidential investigators or deputies in the office of the Sheriff, to be designated by the Sheriff.

(d) All appointive Boards and Commissions.

(e) Superintendent of Schools.

(f) The Law Library Trustees.

(g) Members of the Civil Service Commission.

(h) Superintendents, Principals and Teachers in the public schools.

(i) All persons serving the County without compensation

(j) All Judges of Justice Courts.

(k) Any officer or employee whose appointment is contingent upon approval or confirmation by the State of California.

(*l*) Students who are engaged in regularly established accredited training programs.

(m) Persons employed as guards, keepers or matrons in the office of the Sheriff, Marshal, Probation Officer or other law enforcement agency when such employment does not exceed a total of ninety working days during any calendar year.

(n) Persons employed as watchmen or merchants' patrolmen when such employment does not exceed 10 working days per calendar month.

(o) Deputy Registrars of Voters employed only to register electors.

(p) Persons employed as guards, custodians, wardens or caretakers in County parks for seasonal work.

(q) Persons employed as Assistant Registrars of Vital Statistics and paid on the basis of the number of births or deaths registered.

(r) Persons employed in positions for expert professional temporary services and when such positions are exempted from the classified service for a specified period of temporary service by order of the Civil Service Commission.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service; provided, however, that in the event of the creation of a new position or in the case of a vacancy in any position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competitive examinations to qualify applicants for said position are impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended by the Commission, but no such suspension shall be general in its application to such position and all such cases of suspension shall be reported, together with the reasons therefor, to the Board of Supervisors.

Appointments

Section 80: Whenever positions in the classified civil service are to be filled, the head of the department, office, board or commission, in which any vacancies occur, shall notify the Civil Service Commission of that fact and the Commission shall thereupon certify for each such vacancy the names and addresses of the three candidates standing highest upon the eligible list for the class or grade to which such position belongs, and the appointing authority shall appoint under probation one of the three persons certified to him, for each such position.

Every employee must serve a probationary period of six months, or such longer period, not exceeding one year, as may be established by the Civil Service Commission.

Dismissal

Section 84: Any appointing authority or officer shall have the right to dismiss any person in the classified service during the probationary period if such person is not deemed, by said officer, satisfactory or competent to fulfill the duties of the position to which such probationer has been certified, and the employee so dismissed shall not have the right to a hearing before the Civil Service Commission, but unless charges are filed against such person as hereinafter provided, such probationer may be retained upon the eligible list at the discretion of the Commission and shall be eligible for certification to some other department.

Citizenship requirement

Section 89: No person shall be certified to any position in the classified civil service, or employed or appointed to any position or office in the unclassified service, unless such person is a native-born or fully naturalized citizen of the United States; provided, however, that the prohibitions of this section shall not apply (a) to the employment of any person as a member of the faculty or teaching force in public schools

of this county; (b) to the employment of students who are engaged in a regularly established and accredited training program; (c) to the employment of any person who has declared his intention to become a citizen of the United States; (d) to the employment of any native-born woman of the United States who has married an alien; (e) to the employment of any specialist or expert temporarily employed by any department of this county, and engaged in special teaching, investigation or research; (f) in any emergency caused by fire, flood or other calamity when it is necessary to protect life, health or property; (g) or to work upon public, military or naval defenses in time of war.

A violation of any of the foregoing provisions of this section shall constitute a misdemeanor, and any person convicted thereof shall be punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars, or by both.

No money shall be paid out of the County Treasury and no salary warrants shall be issued or approved by the auditor and controller for the payment of salaries or wages to any person employed in or by any county office or department, unless such person shall be a native-born or fully naturalized citizen of the United States and shall have filed an affidavit thereto with the County Auditor and Controller, subject, however, to the exceptions contained in this section. The term "Person who has declared his intention to become a citizen" shall not include any person who fails to secure his certificate of naturalization within six months after the time he is entitled by law to secure the same.

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

Certification

We, the undersigned, DeGraff Austin, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk and ex officio clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on November 6, 1956, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of the said

Board of Supervisors of the County of San Diego this 11th day of December, 1956.

DEGRAFF AUSTIN
(SEAL) Chairman of the Board of Supervisors of the County of San Diego, State of California
R. B. JAMES
County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, State of California

ATTEST:
R. B. JAMES
County Clerk of the County of San Diego, State of California
(SEAL)

WHEREAS, Said proposed amendment to the charter of the County of San Diego, so ratified by a majority of the electors voting thereon at said general election held on November 6, 1956, has been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendment to the charter of the County of San Diego, as proposed by the board of supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as part of, the charter of the County of San Diego.

CHAPTER 14

Senate Concurrent Resolution No. 8 — Approving a certain amendment to the charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 11, 1957.]

City of San Rafael: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SAN RAFAEL OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA }
COUNTY OF MARIN } ss.
CITY OF SAN RAFAEL }

We, the undersigned, E. W Culver, Mayor of the City of San Rafael, and W. L. Morgan, City Clerk of the City of San Rafael, do hereby certify and declare as follows: Certificate

That the City of San Rafael, County of Marin, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1913 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 29th day of May, 1912, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 31st day of March, 1913 (Statutes of 1913, page 1549)

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Rafael, being the legislative body of said city, on its own motion, by its Resolution No. 1695, adopted on April 9, 1956, duly and regularly submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. 1695 and by Resolution No. 4381 adopted by the Board of Supervisors of Marin County on April 3, 1956, with the State of California Consolidated Presidential and Direct Primary Election held in Marin County and in said City on June 5, 1956.

That said proposed amendment was published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 18th day of April, 1956, in the INDEPENDENT-JOURNAL, the official newspaper of said City of San Rafael, a newspaper of general circulation printed and published daily except Sunday in said City of San Rafael, and in each edition thereof during said day of publication.

That said State of California Consolidated Presidential and Direct Primary Election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 5th day of June, 1956, which day was not less than forty (40) and not more

than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said INDEPENDENT-JOURNAL.

That the Board of Supervisors of Marin County did duly canvass the votes cast in said City of San Rafael at said special municipal charter amendment election and did duly certify to the Council of said City the results of the votes cast at said special municipal charter amendment election; and that the Council of said City of San Rafael on July 16, 1956, did, by resolution, duly confirm said canvass by said Board of Supervisors and did duly find and declare that a majority of the qualified voters voting on said charter amendment voted in favor thereof and that said charter amendment was ratified.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election was to amend Section 1 of Article XII of the Charter of the City of San Rafael in the words and figures following, to wit:

City taxes

"Section 1. The Council shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes. During the month of August in each year it shall levy such a tax as may be necessary to raise revenue for the maintenance of the city and the several departments thereof during the fiscal year; but such tax levy for all municipal purposes, except the payment of principal and interest on the bonded debt, the maintenance of the public library, and an annual tax in an amount not exceeding ten cents (10c) per one hundred dollars ($100.00) of assessed valuation for the purpose of providing funds for and of financing participation by the city (by the purchase of insurance or otherwise) in defraying the annual cost of a pension or retirement plan or system, including disability and death benefits, for city officers and employees, shall not exceed the sum of one dollar ($1 00) for each one hundred dollars ($100.00) assessed valuation as the same appears upon the assessment roll."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of San Rafael with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the charter of the City of San Rafael is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of

the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of San Rafael to be affixed hereto this 26th day of November, 1956.

E. W. CULVER
(SEAL) Mayor of the City of San Rafael
W. L. MORGAN
City Clerk of the City of San Rafael

and

WHEREAS, Said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Rafael, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the charter of said City of San Rafael.

CHAPTER 15

Senate Concurrent Resolution No. 11—Approving an amendment to the charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the tenth day of April, 1956.

[Filed with Secretary of State, January 11, 1957]

City of Newport Beach Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF NEWPORT BEACH AT A GENERAL MUNICIPAL ELECTION HELD ON THE 10TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND FIFTY-SIX, OF A CERTAIN AMENDMENT TO THE

CHARTER OF THE CITY OF NEWPORT BEACH, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

Certificate

We, Dora O. Hill, Mayor of the City of Newport Beach, and Margery Schrouder, City Clerk of the City of Newport Beach do hereby certify as follows:

That said City of Newport Beach, in the County of Orange, State of California, is now and was at all times herein mentioned, a City containing more than Thirty-five Hundred inhabitants and less than Fifty Thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Newport Beach is now and was at all times herein mentioned organized and existing under a Charter adopted under the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a municipal election held therein on the 8th day of June, 1954, and approved by the Legislature of the State of California on the 7th day of January, 1955; and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City did on its own motion and pursuant to the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Newport Beach a certain amendment to the Charter of said City; and ordered that said amendment be submitted to said electors of said City at a general municipal election to be held in said City on the 10th day of April, 1956; and

That said proposed amendment was, on the 10th day of February, 1956, duly published in the "Newport Harbor News-Press," a newspaper of general circulation, published in the City of Newport Beach, and the official newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Resolution designated as Resolution No 4430, which was duly adopted on the 23rd day of January, 1956, call for and give notice of a general municipal election in the City of Newport Beach on the 10th day of April, 1956, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendment to the Charter of the City of Newport Beach, as aforesaid; and

That said general municipal election was held in the said City on said 10th day of April, 1956, which date was more than forty (40) days and less than sixty (60) days after said

proposed amendment to said Charter had been published in said "Newport Harbor News-Press," as aforesaid; and

That at said general municipal election held as aforesaid, on said 10th day of April, 1956, a majority of the voters voted in favor of said proposed amendment, as hereinafter set forth, to the Charter of the City of Newport Beach and duly ratified the same; and

That the City Council of the City of Newport Beach, after duly canvassing the returns of said general municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendment to the Charter of the City of Newport Beach, which amendment is in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NUMBER ONE:

Shall Section 1402 of the Charter of the City of Newport Beach be amended by adding the following paragraph?

"There shall be reserved forever to the people the public use of a strip of bay front land above mean high tide not less than 85 feet in depth of the city-owned water front property bounded on the west by the southeasterly line of Nineteenth Street and bounded on the east by a line parallel thereto lying 349.90 feet northwesterly of the northwesterly line of Fifteenth Street, said frontage to be bay front frontage." Reservation of bay front land

That the foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Newport Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Newport Beach.

IN WITNESS WHEREOF, Dora O. Hill, Mayor, as aforesaid, and Margery Schrouder, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Newport Beach to be thereunto duly affixed, on the 17th day of July, 1956.

DORA O. HILL
(SEAL) Mayor of the City of Newport Beach
MARGERY SCHROUDER
City Clerk of the City of Newport Beach

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Newport Beach as Approval

presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as part of, the charter of said City of Newport Beach.

CHAPTER 16

Senate Concurrent Resolution No. 12—Relative to approving amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 11, 1957]

City of San Bernardino Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

Certificate

We, the undersigned, Raymond H. Gregory, Mayor of the City of San Bernardino, and Jack T. Felton, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, now is and at all times herein mentioned was a city organized, existing and acting under a freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City, at an election held for that purpose, on the 6th day of January, 1905, and approved by the Legislature of the State of California on the 8th day of February, 1905, (Statutes 1905, Page 940, et seq.).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Bernardino, by Resolution Nos. 3924, 3925, and 3926, duly and regularly submitted to the qualified electors of the said City of San Bernardino those certain proposed amendments to the Charter of the City, said Charter amendments being designated as proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2 and Proposed Charter Amendment No. 3, to be voted upon by said qualified electors at the Special Municipal Election

Consolidated with the Consolidated Direct Primary Election, called and held for that purpose in said City on the 5th day of June, 1956.

That said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on the 20th day of April, 1956, in the San Bernardino Evening Telegram, a daily newspaper of general circulation published in said City and of general circulation therein, and in each edition thereof during said day of publication.

That copies of said proposed Charter amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors of said City, in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the Office of the City Clerk of the City of San Bernardino was advertised and published in said San Bernardino Evening Telegram, a daily newspaper of general circulation printed and published in said City, on the 20th day of April, 1956, and thereafter in each and every issue of said newspaper up to and including June 4, 1956, the day before the day fixed for said Special Municipal Election Consolidated with the Consolidated Direct Primary Election, all as required by Section 8 of Article XI of the Constitution of the State of California;

That copies of said proposed Charter amendments could be had upon application therefor at the Office of the City Clerk of said City up to and including the 5th day of June, 1956, the day fixed for said election.

That said Special Municipal Election Consolidated with the Consolidated Direct Primary Election was held, pursuant to Section 10050, Elections Code, in the City of San Bernardino on the 5th day of June, 1956, and that at said election, a majority of the qualified voters voting thereon voted in favor of and did ratify one of said proposed amendments to the Charter of the City of San Bernardino, being Proposed Charter Amendment No. 1, hereinafter specifically set forth and did reject Proposed Charter Amendments Nos. 2 and 3, and that in accordance with Section 10054 of the Elections Code, the Board of Supervisiors of the County of San Bernardino did, in accordance with the law in such cases made and provided, duly and regularly canvass the returns of said election, and did duly find, determine and declare the result of said election, as determined from the canvass of the returns thereof, to be that a majority of the qualified voters of said City voting on said proposed Charter amendment hereinafter set forth and designated as Proposed Charter Amendment No.

1, had voted for and ratified said amendment and thereafter certified as follows:

County of San Bernardino
San Bernardino, California

CERTIFICATE OF COUNTY CLERK TO RESULTS OF CANVASS OF CONSOLIDATED PRIMARY ELECTION RETURNS FOR THE CITY OF SAN BERNARDINO SPECIAL ELECTION

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

"I, Harry L. Allison, County Clerk of the County of San Bernardino, do hereby certify that, in pursuance of the provisions of Section 7921 of the Elections Code and of the resolution of the Board of Supervisors of said County, heretofore adopted and entered upon the minutes of said Board, I did canvass the returns of the vote cast in the City of San Bernardino in said County at the Special Election consolidated with the Consolidated Primary Election held in said City on June 5, 1956, for Propositions N, O, and P, "Proposed Amendments to the Charter of the City of San Bernardino", submitted to the vote of the voters of said City, and that the whole number of votes cast for and against each measure are full, true and correct as follows:

Measure	Total Vote Cast on each Measure	Yes	No
N	17,141	9,333	7,808
O	17,573	5,516	12,057
P	17,604	4,906	12,698

WITNESS my hand and Official Seal this Second day of July, 1956.

HARRY L. ALLISON
County Clerk
By /s/ Walter V. Combs
WALTER V. COMBS
Assistant County Clerk"

Thereafter, the City Clerk and ex-Officio Clerk of the Mayor and Common Council of the City of San Bernardino did enter the record thereof in the Minutes of the meeting of said Mayor and Common Council.

That said proposed amendment to the Charter of the City of San Bernardino so ratified by the electors of the City of San Bernardino is in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 1 TO THE SAN BERNARDINO CITY CHARTER AS CONTAINED IN RESOLUTION NO. 3924

"It is hereby proposed that Article III, Section 41 and Article VIII, Section 133, of the Charter of the City of San Bernardino be amended respectively to read as follows:

City taxes

Section 41. The Mayor and Common Council shall have power, and it shall be their duty, to provide by Ordinance a system for the assessment, levy and collection of all city taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state in reference to assessment, levy and collection of state and county taxes, except as to the times for such assessment, levy and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed together with any percentage imposed for delinquency, and the cost of collection shall constitute liens on the property assessed, from and after the First Monday in March in each year, which liens may be enforced by a summary sale of such property and the execution and delivery of all necessary certificates and deeds therefor, and such regulations as may be prescribed by Ordinance, or by action in any court of competent jurisdiction to foreclose such lien; provided that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes, or special assessment under the provisions of this Charter shall have the same force and effect in evidence as is, or may hereafter be provided by law for deeds for property sold for non-payment of state, or county taxes. The maximum rate of taxation shall not exceed in any one year $1.35 upon each one hundred dollars of valuation or property assessed exclusive of the amount necessary to pay the principal of and interest on the bonded indebtedness of the city.

Bonds

Section 133. General obligation bonded indebtedness of the city for any purpose for which the city is authorized to provide or for carrying out any of the powers possessed by the city may be incurred in the manner provided by the general laws of the State of California at the time such proceedings are taken. The city shall not incur any indebtedness evidenced by general obligation bonds which shall in the aggregate exceed 15% of the total assessed value for purposes of city taxation of all the taxable real and personal property in the city. The city shall not incur any bonded indebtedness constituting a general obligation of the city unless such indebtedness is authorized by the affirmative votes of not less than two-thirds of those electors voting on the question of incurring such indebtedness at any election at which such question is submitted to the electors of the City. Notwithstanding any other provision or limit in this Charter, bonds of the city payable solely from the revenues of any revenue producing improvement building, system, plant, works, facilities or undertaking used for or useful in (a) the producing,

obtaining, conserving, treating, storing, transmitting, distributing and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private use, and (b) the collection, treatment or disposal of sewage, garbage, refuse, waste or storm water, including drainage, may be authorized and issued in the manner provided by the general laws of the State of California at the time such proceedings are taken. The issuance of such revenue bonds must be authorized by the affirmative votes of a majority of all the electors voting upon the proposition of their issuance at any election at which such question is submitted to the electors of the city.

When two or more questions or propositions for the incurring of general obligation bonded debt or for the issuance of revenue bonds are submitted at the same election the votes cast for and against each question or proposition shall be counted separately."

That we have compared the foregoing amendment with the original proposals submitted to the qualified electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to said Charter, is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of San Bernardino to be affixed hereto this 12th day of July, 1956.

RAYMOND H. GREGORY
Mayor of the City of San Bernardino
JACK T. FELTON
City Clerk of the City of San Bernardino

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Bernardino as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of San Bernardino.

CHAPTER 17

Senate Concurrent Resolution No. 17—Approving charter amendments to the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, ratified by the qualified electors of said city at a regular municipal election held therein on the tenth day of April, 1956.

[Filed with Secretary of State, January 11, 1957.]

City of Santa Rosa' Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF AMENDMENT TO CHARTER OF THE CITY OF SANTA ROSA, CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF SONOMA } ss.
CITY OF SANTA ROSA }

Certificate

We, the undersigned, H. A. Jensen, Mayor of the City of Santa Rosa, and John Hawkes, City Clerk of the City of Santa Rosa, do hereby certify and declare as follows:

That the City of Santa Rosa is a municipal corporation in the County of Sonoma, State of California, and is now and at all times hereinafter referred to was a City containing a population of more than 3500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceeding census taken under the authority of the Congress of the United States.

That said City of Santa Rosa is now organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on November 7, 1922, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on January 29, 1923.

That in pursuance of Section 8, Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Santa Rosa, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Santa Rosa, proposals for amendments of the charter of said City to be voted upon by said qualified electors at a regular election held in said City on the 10th day of April, 1956.

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of

the Constitution of the State of California, in the Press Democrat, a newspaper of general circulation printed and published at and within the City of Santa Rosa, County of Sonoma, State of California, and the official newspaper of said City.

That the election at which said proposed charter amendments were voted upon was, by resolution, set and called for the 10th day of April, 1956, which date was not less than forty (40) days nor more than sixty (60) days after the completion of the publication of the notice of said election and which date was not less than forty (40) days and not more than sixty (60) days after the completion of said advertising in the official newspaper as aforesaid, said advertising having been completed on the 12th day of February, 1956.

That, thereafter, the City Council of the City of Santa Rosa did, in the manner provided by law, duly and regularly canvass the returns of said election and that said Council, by resolution adopted on the 17th day of April, 1956, declared the results of said election as determined from the canvass of the returns thereof.

That at said election held on the 10th day of April, 1956, said proposed charter amendments were ratified and adopted by a majority of the electors of said City voting thereon; that said proposed charter amendments so ratified by the electors of the said City of Santa Rosa proposed to amend Sections 24 and 41 of the Charter of the City of Santa Rosa to read as follows:

Board of Public Utilities

"Section 24. Public Utilities. There shall be a Board of Public Utilities of five members consisting of the City Manager and four persons appointed by the Council The Board of Public Utilities shall have control of the construction, operating and maintenance of all water and sewer public utilities now or hereafter owned and operated by the City, and of the funds derived therefrom and such other public utilities, quasi-public utilities and properties and the funds derived therefrom as the Council may by Ordinance direct. Of the four appointed members, at least one, if practicable, shall be a civil engineer having some knowledge of municipal utilities. The appointed members shall hold office for four years and until their successors are appointed and qualified, subject, however, to removal as provided in Section 8, provided that the first appointments hereunder shall be for terms of one, two, three and four years, respectively. They shall serve without compensation.

"The City Clerk shall serve as clerk of the board, without any additional compensation or the right to vote He shall keep a record of the Board's proceedings.

"The books of each utility shall be kept in accordance with the State regulations governing the accounting of public utilities, and a report in detail shall be made to the Council monthly.

"The Board of Public Utilities shall control the generation, purchase, distribution and sale of water and control sewer

services and any other utility owned, operated or distributed by the city including sewage transportation, treatment and disposal, and subject to the approval of the Council, may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof.

"Anything provided for herein within the control of or to be done by the Board of Public Utilities may with the express or implied consent of the Board of Public Utilities be done by the City Council of the City of Santa Rosa.

Section 41. Fiscal Management. All claims against the City shall be submitted on claim forms or invoices the form of which is approved by the City Auditor and such claim forms or invoices shall be approved by the City Manager or his duly appointed deputy before submission to the City Council, board or other proper authority. No contract, the expense of the execution of which is not provided by law or ordinance to be paid by assessments upon the property to be benefited, shall be binding or of any force unless the Auditor shall endorse thereon his certificate that there remains unexpended and unapplied a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expenses of executing such contract as estimated by the board or officer making the same The Auditor shall make such endorsement upon every such contract if there remain unapplied and unexpended such amounts so specified, and thereafter he shall hold and retain such sum to pay the expenses incurred until the contract shall be fully performed" Fiscal management

That we have compared the foregoing amendments with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That in all matters and in all things pertaining to said charter amendments, all the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of said City of Santa Rosa to be affixed hereto this 27th day of December, 1956.

H. A. JENSEN
Mayor of the City of Santa Rosa

(SEAL)

ATTEST: JOHN HAWKES
City Clerk of the City of Santa Rosa
By Agnes Beck, Deputy

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Santa Rosa, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Santa Rosa.

CHAPTER 18

Assembly Concurrent Resolution No. 2—Relative to approving amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 11, 1957]

City of Sacramento Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss
CITY OF SACRAMENTO }

Certificate

We, the undersigned, Clarence L. Azevedo, Mayor of the City of Sacramento, State of California, and Paul H. Manby, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was, at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been ever since the year 1921, and now is organized, existing and acting under a Freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January, 1921, (Statutes of 1921, Page 1919).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the City Council of the City of Sacramento being the legislative body thereof, duly and regularly submitted to

the qualified electors of the City of Sacramento certain propositions for certain amendments to the Charter of the City of Sacramento at a special municipal election consolidated with the State general election called and held for that purpose in said City on the 6th day of November, 1956.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and the Charter of the City of Sacramento, on the 17th day of September, 1956, in the "Sacramento Union," a daily newspaper of general circulation printed and published in the City of Sacramento, and the official newspaper of said City of Sacramento.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the election, November 6, 1956, as hereinafter set forth, there was published in said "Sacramento Union" an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including the 6th day of November, 1956, the date fixed for said election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Sacramento consolidated said special municipal election with the general State election held in said City of Sacramento on the 6th day of November, 1956.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said consolidated elections were duly and regularly held in said City after due notice given and published, on the 6th day of November, 1956, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Sacramento Union" the official newspaper of said City of Sacramento.

That thereafter the Council of the City of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said consolidated elections, and did adopt its Resolution declaring the results of the canvass of the returns of said election and of the returns thereof; that the said Council of said City did, by said Resolution, find, determine and declare that certain proposed amendments to the Charter of

the City of Sacramento, and hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith

That said amendments to the Charter of the City of Sacramento so ratified by the electors of said City are as follows:

That Article XIII of the Charter of the City of Sacramento be amended to read as follows:

"TRANSFER OF CITY HEALTH DEPARTMENT TO SACRAMENTO COUNTY

Transfer of City Health Department to county

Section 108.1. The functions and duties of the City Health Department are hereby transferred to the Health Department of Sacramento County.

Section 108 2. Officials and employees of the City Health Department are hereby transferred to the Health Department of Sacramento County.

Section 108 3. The Council may enact ordinances and adopt resolutions necessary for the consolidation of the City Health Department with the Health Department of Sacramento County, in order to consummate and carry out the provisions of Sections 108.1, and 108.2, above, and the Council may authorize the City to contract with Sacramento County for the maintenance of the Health Department within the area of the City of Sacramento, as provided by general law.

REPEAL OF SECTIONS 108 TO 124

Repeals

Section 108.4. Sections 108 to 124, inclusive, of Article XIII of the City Charter are hereby repealed.

EFFECTIVE DATE OF PRECEDING SECTIONS

Operative date

Section 108.5. Sections 108.1 to 108.4 above shall become effective on the 1st day of February, 1957."

That Article XX of the Charter of the City of Sacramento be amended by adding a new Section numbered 175.27 to read as follows:

"RIGHTS OF TRANSFERRED EMPLOYEES CONTINUED UNDER ARTICLE XX

Retirement system Rights of transferred City Health Department employees

Section 175.27. Notwithstanding any provision in this Charter to the contrary, all employees of the Health Department of the City of Sacramento, who are members of the Sacramento City Employees' Retirement System, hereinafter referred to as City System, and who, as provided in Section 108 2 of this Charter, are transferred to and become employees

of the Health Department of Sacramento County, and members of the Sacramento County Employees' Retirement System, shall be subject to the following paragraphs of this Section, in addition to the provisions of other sections of Article XX of the Charter which are not in conflict with the provisions of such paragraphs, and to which they would have been subject if they had not been transferred:

(1) Each of such transferred employees shall have the right to elect upon a form furnished by and upon completion to be filed with the City System, without right of revocation, except as provided in this section, and within 90 days after the effective date of such transfer, whether to allow the accumulated contributions with which he is entitled upon said date, to be credited under the City System, to remain in the retirement fund. Each person who so elects shall continue to be a member of the City System. Failure to make such election within said 90 days, or an election not to allow such contributions to so remain, shall be deemed an irrevocable election to withdraw his accumulated contributions, and such contributions shall be refunded to such employee and his membership in the City System shall be terminated forthwith.

(2) A member whose membership continues under this Section, and who retires for service or disability, under the County System, shall be retired under the City System for service or disability, as the case may be, automatically and without action by him, effective on the effective date of his retirement under the County System. Upon such retirement he shall receive from the City System, a retirement allowance in an amount which, when added, before modification under any available optional election, to the retirement allowance before such modification, to which he is entitled under said County Retirement System, shall make the total of such allowances from both Systems, equal to a retirement allowance calculated under the provisions of the City System, and upon the assumption that service rendered to Sacramento County by said member, was rendered instead to said City at the same rate of compensation as that paid by said County for said service. If the member is reinstated from retirement, under the County System, he shall be reinstated automatically and without action by him, under the City System, and his allowance shall cease, effective on the same date as the reinstatement under the County System.

(3) Should said member cease to be employed by Sacramento County through any cause other than death or retirement, he shall be subject, regardless of his election as to accumulated contributions as provided in paragraph (1) of this section, to the provisions of subdivision (g) of Section 173, if he is a member of the City System under Section 173, or of Section 175.7, if he is a member of the City System under Section 175.1.

(4) Should said member who was a member of the City System under Section 175.1, die before retirement, and while

a member of the County System, the City System shall pay to his estate or designated beneficiary, the applicable death benefit provided in section 175.6, for which he otherwise qualifies, under the assumption that service rendered to Sacramento County by said member, was rendered instead to said City at the same rate of compensation as that paid by said County for said service, reduced by the portion of any death benefit payable by the County System, which is derived from public contributions, but the benefit paid by the City System, shall not be less than the member's accumulated contributions. Should said member die after retirement under both the City and County Systems, the City System shall pay to his estate or designated beneficiary, the applicable death benefit provided in Section 175.6, reduced by the amount of any death benefit, payable by the County System, other than a benefit payable because of the member's election under options, or because of automatic continuance of all or part of his allowance.

(5) Should said member who was a member of the City System under Section 173, die before retirement and while a member of the County System, or after retirement under the County System, the City System shall be liable for the applicable death benefit provided in subdivisions (d), (e), and (f) of Section 173, provided that if no allowance is payable on account of such death before retirement, from causes other than injuries received in the performance of duty, the amount payable by the City System shall not be less than the member's accumulated contributions, and provided further that any allowance payable under said subdivisions, shall be calculated on the assumption that the service rendered by said member to Sacramento County, was rendered instead to said City, at the same rate of compensation paid by the County for said service, and that any allowance so calculated upon death before retirement, shall be reduced by an amount which is actuarially equivalent to the death benefit payable by the County System, and further reduced by the amount of any allowance payable by the County System, because of the automatic continuance of all or part of said member's allowance under the County System.

(6) The City of Sacramento shall contribute to this System during each fiscal year, an amount equal to the excess of the contribution required of and made by said employee, to the County System, over the contribution which would have been required of him as a member of the City System and with the same earned compensation. Such amount shall be credited to said employee and improved with interest in the same manner as if it were normal contributions under the City System. Should said member cease to be employed by Sacramento County, through any cause other than retirement, and should his accumulated contributions under that System, be paid to him or his estate or designated beneficiary, said amount so contributed by the City, with credited interest, shall be credited on the contributions required of the City to the City Sys-

tem. Upon the retirement of said member under the County System, he shall have the right to elect within 60 days after the effective date of such retirement, without right of revocation and upon a form furnished by, and upon completion to be filed with the City System, whether to have said amount with credited interest applied as accumulated additional contributions to provide an annuity for life in addition to any allowance to which he is entitled under the City System. Failure to make such election within said 60 days, or an election not to have said total amount so applied, shall be deemed an irrevocable election to have such amount with credited interest paid to him in one sum, and such payment shall be made to him forthwith.

(7) The City Council is hereby empowered to enact any and all ordinances necessary to carry into effect the provisions of this section."

That the Charter of the City of Sacramento be amended by adding thereto a new Article numbered XXVII to read as follows:

"ARTICLE XXVII TRANSIT AUTHORITY

City Transit Authority Creation

Sec. 276. Creation of Authority. There is hereby created a City Transit Authority to be known as "The Transit Authority of the City of Sacramento," and the powers of which shall be vested in a Board consisting of five members, and two ex-officio members, consisting of the City Manager and City Engineer.

Board

Section 277. Board. The members of the Board of the Transit Authority, except the ex-officio members, shall be appointed by the City Council for a term of five years each, and the terms of members now appointed and serving shall be as fixed under the provisions of Section 2, Ordinance No. 1904, 4th Series, passed and effective December 30, 1954, Vacancies on the Board shall be filled by the Council for any unexpired term. Authority members shall be eligible to succeed themselves.

Members of the Transit Authority may be removed for cause, by the City Council, such removal to become effective upon a vote by a two-thirds majority of all members of the City Council.

Members of the Transit Authority, except the ex-officio members, shall receive such sums for their services, and services in attending meetings, as shall be fixed by the City Council and such members shall not be considered employees as defined in the Retirement System of this Charter.

The necessary expenses of members of the Transit Authority, upon approval by the City Manager, shall be paid.

Officers, meetings

Section 278. Officers, Meetings. The officers of the Transit Authority shall be members of the Authority and consist of a

Chairman, Vice-Chairman and Secretary. The officers shall hold office at the pleasure of the members.

The Transit Authority shall act only by motion or Resolution A Majority of the full membership, including the ex-officio members, shall be required to take official action on any matter or proceeding. Minutes shall be taken of each meeting and all official action recorded in the journal which shall be kept for such record.

The meetings shall be open to the public and be held at the office of the Transit Authority, or such other place as may be designated by the Transit Authority.

Notice of hearings which affect the public shall be published in the official newspaper

General manager

Section 279. General Manager The members of the Transit Authority shall appoint an Administrative Officer whose title shall be "General Manager" He shall have full charge over subordinate personnel to direct the operation, control and maintenance of the Bus System The Transit Authority shall have power to fix the General Manager's salary and term of service.

Powers

Section 280. Powers. The Transit Authority shall have power and duty:

(1) To purchase, buy, acquire, operate and maintain public transportation facilities of every kind and nature, and to hold in the name of the City any and all property situated within or without the City or within or without the State that may be necessary or convenient for such purpose

(2) To regulate and control the operation, maintenance, planning and policies to be effective for the efficient operation of public transit facilities within and adjacent to the City.

(3) To fix, determine and establish rates to be charged for use of public transit facilities operated or used hereunder.

(4) To fix schedules and bus routes and general policies necessary for operation of said system.

(5) To employ all personnel necessary by contract or otherwise to maintain and operate an integrated transit system within the City and adjacent areas. Employees of the Transit Authority shall not be subject to the provisions of the Charter with respect to civil service, residence, age limitations, vacations, sick leave, and they shall not be members of the City Retirement System All such matters shall be determined by the Transit Authority.

(6) To set public hearings for fixing of fares to be charged for transportation services, service standards, and routings The determination of the Transit Authority as to such matters shall be final and conclusive.

(7) To sue and be sued as the Transit Authority of the City of Sacramento, to appear and defend any litigation or proceedings and may settle or compromise any matter pending, either for or against the Transit Authority.

(8) To take out, carry and insure the Transit Authority, its officers, employees, property and equipment of every kind

and nature against loss or damage by fire, elements, casualty and public liability, and other causes for which protection is needed.

(9) To make all necessary rules and regulations to operate and maintain an integrated bus system within the City of Sacramento, and adjacent area, and to recommend to the Council such ordinances or regulations that the Transit Authority deems necessary to properly provide efficient transportation.

Receipts and disbursements

Section 281. Receipts and Disbursements. Receipts from the operation of the Transit system shall be paid into the City Treasury and maintained in a separate fund for such system. Appropriations from such funds shall be made for the operation, maintenance, and acquisition of transportation facilities, and all other expenditures of the Transit Authority.

Rates

Section 282. Rates. The Transit Authority shall have power to fix fares and charges for all services performed and to collect by appropriate means all amounts due for services furnished.

Rates may be fixed at varying scales for different classes of service or customers. The Transit Authority may provide for the rendition of bus service outside of the city limits, with the approval of the City Council, to adjacent areas, which by location and service needs will beneficially add to the system as a whole.

Before adopting or revising any schedule of rates or fares the Transit Authority shall publish in the official newspaper of the City for five days, Notice of its intention so to do and shall fix a time for a public hearing or hearings thereon, which shall be not less than ten days after the last publication of said notice, and at which any resident may present his objection to or views on the proposed schedule of rates, fares or charges.

Finances

Section 283. Finances. Each year the members of the Transit Authority shall cause to be prepared a budget containing the estimated revenues and expenses for operation of the system for fiscal year beginning each July 1st and ending June 30th of the year following. The budget shall contain a detailed statement of the items to be included therein, both as to revenue and expenses.

The budget shall be submitted to the Council not later than the second week of May of each year. The City Council shall review the budget as presented and may add or delete therefrom items both as to revenue and expenses and shall approve the final budget.

The City Council may provide for the advancement of funds of the City for the operation, maintenance and control of said system. Funds so advanced to the system or credit provided shall be returned to such funds in the manner designated by the Council. The reasonable cost of any city services furnished by any department of the city, used in the opera-

tion of the system, shall be reimbursed and such reasonable costs be included in the estimated cost of operations.

Section 284. Letting of Contracts. That the Transit Authority shall have power to enter into contracts for work, supplies and equipment in amounts not exceeding $1,000.00 without first advertising for bids. And as to any contracts for work, supplies and equipment exceeding said sum shall be done by contract in writing and let to the lowest responsible bidder after advertising for sealed proposals in the manner and for the time as set forth by Section 251 of the City Charter. That notwithstanding any of the provisions above set forth, the Transit Authority may, upon recommendation of the General Manager, authorize the entry into contracts for work, purchase of equipment and supplies without first advertising for bids therefor.

Saving clause

Section 285. Saving Clause. All lawful ordinances, resolutions, and regulations in force at the time the foregoing amendments to this Charter shall take effect, and not inconsistent with Charter provisions, are hereby continued in force until the same shall have been duly amended, repealed, or superseded.

Ordinances

Section 286. Ordinances. The City Council may enact ordinances and adopt resolutions necessary to carry out the provisions of the Charter in relation to the Transit Authority. Nothing in this Charter is to be construed as a restriction of the City's power to own and operate a transportation system as authorized by the Constitution of this State."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Sacramento with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of each thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto this 21st day of December, 1956.

(SEAL)

CLARENCE L. AZEVEDO
Mayor of the City of Sacramento
PAUL H. MANBY
City Clerk of the City of Sacramento

APPROVED AS TO FORM:
EVERETT M. GLENN
City Attorney of the City of
Sacramento

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California

for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Sacramento as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Sacramento. Approval

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CHAPTER 19

Assembly Concurrent Resolution No. 7—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated primary and special municipal election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 11, 1957.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and City and County of San Francisco Charter amendments

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county five (5) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said five (5) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a consolidated primary and special municipal election to be held in the City and County of San Francisco on the fifth day of June, 1956, the said five (5) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said consolidated primary and special municipal election was held in said City and County of San Francisco on the fifth day of June, 1956, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Chronicle," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-fifth day of June, 1956, duly certify to the board of supervisors the results of said consolidated primary and special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said consolidated primary and special municipal election so held on the fifth day of June, 1956, the five (5) said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions B, C, D, E and F; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION B

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 172.1 thereof, relating to the health service system.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 5, 1956, a proposal to amend the charter of said city and county by

amending Section 172 1 thereof, so that the same shall read as follows:

Section 172 1. Subdivision 1. A health service system for municipal employees is hereby established. Said system shall be administered by a board to be known as the health service board. The members of the system shall consist of all employees of the city and county who are members of the retirement system and all teachers and employees of the board of education who are members of said retirement system. Any employee who adheres to the faith or teachings of any 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 shall be exempted from the system upon filing annually with the health service board an affidavit stating such adherence and dependence and disclaiming any benefits under the system. The board shall have the power to exempt any person whose annual compensation exceeds forty-five hundred dollars ($4,500) and any person who has otherwise provided for adequate medical care. Health service system

Subdivision 2. The health service board shall consist of nine members elected by the members of the system. The first members of the board shall classify themselves by lot so that three shall serve for one year, three for two years and three for three years from and after May 15, 1937. Thereafter the term of office shall be three years. The president of the board shall act as the appointing officer under the civil service provisions of this charter for the appointing, disciplining and removal of such employees as may be authorized by the board. Each member of the board shall give bond in the sum of ten thousand dollars ($10,000), the premium on which shall be paid out of the funds of the system. Vacancies shall be filled for the unexpired term by a majority vote of the remaining members of the board Members of the board shall be nominated by a written nomination of twenty members filed with the registrar of voters not earlier than April 1st nor later than April 15th of each year. The registrar of voters shall prepare ballots and shall furnish the same to all members of the system between April 15th and April 25th and shall receive the ballots between April 25th and May 7th and canvass and certify the results on May 8th. The registrar of voters shall have power to make such regulations respecting the form, distribution and canvassing of the ballots as may be necessary to secure secrecy of the ballots and prevent fraud. The persons equal in number to the number to be elected who receive the greatest number of votes shall be declared elected. Not more than one employee of any one department or office may be a member of the board. For the purpose of the first election, all employees eligible for membership in the system shall be deemed members. Board

Subdivision 3. The board shall have power:

(a) By a two-thirds vote of the entire membership of the board to adopt a plan or plans for rendering medical care to Powers of board

members of the system, or for the indemnification of the cost of said care, or for obtaining and carrying insurance against such costs, provided:

1. No member of the system shall be required to accept the services or medical supplies of any physician, surgeon, person licensed to treat human diseases without the use of drugs, dentist, nurse, pharmacist or hospital selected by the board, but, subject to rules and regulations of the board, every member shall have the right to select, of his own choice, any duly licensed physician, surgeon, person licensed to treat human diseases without the use of drugs, dentist, nurse, pharmacist, hospital or other agency of medical care as herein defined, who or which will render the required services pursuant to said rules and regulations, and the board shall make provision for the exercise of such choice; and is hereby expressly prohibited from entering into any exclusive contract for the rendering of said services;

2. Any duly licensed physician, surgeon, person licensed to treat human diseases without the use of drugs, dentist, nurse, pharmacist, hospital or other agency of medical care shall have the right to furnish such services or medical supplies at uniform rates of compensation to be fixed by the board;

3. Such rates of compensation and any and all proposed contracts respecting the rendering of such services shall be reviewed by the retirement board of the city and county and shall not become effective unless and until approved by the retirement board. The retirement board may approve, refer to the health service board for further consideration, or disapprove any matter or proposal which is within its jurisdiction under the provisions of this section, and it shall act within sixty (60) days after any matter has been submitted to it, and failure of the retirement board to approve, refer or disapprove the same within said period shall constitute an approval.

4. In January of each year, at public hearings, the health service board shall review and determine the adequacy of medical care provided for members of the system and the adequacy of fee schedules and the compensation paid for all services rendered and it may make such revisions therein as it deems equitable. Any such determination or revision shall be subject to review by the retirement board upon an appeal taken within thirty (30) days thereafter by a written petition filed with the retirement board and signed by not less than fifteen per cent (15%) of the members of the system or by not less than fifteen per cent (15%) of those of any one of the following groups who have contracted to render services to the members of the system: Physicians and surgeons; persons licensed to treat human diseases without the use of drugs; dentists; nurses; pharmacists; hospitals; other agencies of medical care. A copy of such petition shall also be filed with the health service board at the same time. The

retirement board may approve or disapprove such determination or revision of the health service board by a majority of its members or refer the same to the health service board for further consideration. Failure of the retirement board to approve, refer or disapprove such determination or revision within sixty (60) days after filing the petition shall constitute an approval.

5. The health service board shall receive, consider and, within sixty (60) days after receipt, act upon any matter pertaining to the administration, operation or conduct of the health service system submitted to it in writing by any member of the system or any person who has contracted to render medical care to the members of the system.

6. The said retirement board is hereby authorized and empowered and it is hereby made its duty to exercise the powers and to perform the duties prescribed for it by this section.

(b) To put said plans into effect and to conduct and administer the same and, for all or any of said purposes, to contract therefor and use the funds of the system.

(c) To make rules and regulations for the transaction of its business, the granting of exemptions and the admission to the system of persons who are hereby made members thereof and such other officers and employees as may voluntarily become members of the system with the approval of the board.

(d) To appoint a medical director and such other employees as may be necessary. The compensation of the medical director shall be fixed by the board and he shall hold office at its pleasure. The employees, other than the medical director, shall be subject to the civil service provisions of the charter, provided that all employees who are actually employed or who may be on military leave of absence from employment on the effective date of this amendment and who have been continuously employed for one year immediately preceding such date or such military leave of absence shall be continued in their respective positions and classifications as if appointed thereto after examination and certification from a civil service list of eligibles and shall thereafter be governed by and be subject to the civil service provisions of this charter. Prior to July 1st in each year the health service board shall fix the compensation of its employees, which compensation shall be the same as the rates of compensation fixed by the board of supervisors, under the provisions of section 151 of this charter, for similar classifications and services in other city and county departments. The health service board shall submit to the board of supervisors prior to July 1st of each year a list of the positions established under the health service board, and such positions and the compensation therefor shall be enumerated in the annual salary ordinance. Payrolls covering such positions shall be governed by section 150 of the charter.

(e) To make provision for the participation in the benefits of the system by the dependents of members, retired munici-

pal employees, temporary municipal employees, teachers and other employees of the board of education retired under the retirement system, and resigned employees of the city and county and resigned teachers and employees of the board of education whose resignations occur after June 15, 1955, and within thirty days immediately prior to the date on which, but for their resignations, they would have become retired members of the retirement system; provided that such participation shall be without cost to the city and county. A resigned employee or teacher is one whose employment has terminated other than by retirement, discharge or death. The purpose of empowering the board to make provision for the participation in the benefits of the system by the aforementioned resigned teachers and employees of the board of education is to enable them, subject to the board's exercise of its power, to participate in the benefits of the system after transferring to the State Teachers' Retirement System from the city and county's retirement system. The purpose of empowering the board to make provision for participation in the benefits of the system by the aforementioned resigned employees of the city and county is so that the board will have power to treat them the same as it treats resigned teachers and employees of the board of education.

Contributions

Subdivision 4 The board shall determine and certify to the controller the amount to be paid monthly by the members of the system to a fund for the purposes of the system hereby created. The controller shall deduct said sums from the compensation of the members and shall deposit the same with the treasurer of the city and county to the credit and for the use of the system.

Such deductions shall not be deemed to be a reduction of compensation under any provision of this charter. The board shall have control of the administration and investment of the funds, provided that all investments shall be of the character legal for insurance companies in California. Disbursements from the fund shall be made only upon audit by the controller and the controller shall have and exercise the accounting and auditing powers over the funds of the system which are vested in him by this charter with respect to all other municipal boards, officers and commissions.

Medical care

Subdivision 5. The term "medical care" shall include the services of physicians, surgeons, nurses, persons licensed to treat human diseases without the use of drugs, hospitalization, medicines and appliances, and dental, optical and other medical treatments and services.

All acts performed and services rendered under the provisions of this section shall be performed in accordance with the provisions as to professional conduct prescribed by the statutes of the State of California regulating such professional conduct and services.

Medical care, as defined in this section, shall not be furnished or supplied to any member of the system by or in any of the

public health and hospital facilities of the city and county, except that emergency medical and hospital care may be rendered to any member of the system in the usual course of emergency health service.

Subdivision 6. Members of the system shall have and possess no claim or recourse against any of the funds of the municipality by virtue of the adoption or operation of any plan for rendering medical care, indemnifying costs of said care or carrying insurance against such costs, but the claim and recourse of any such member shall be limited solely to the funds of the system. All expenses of the system shall be borne exclusively by the funds of the system and the city and county shall not appropriate or contribute funds in any manner for the purposes of the system hereby established and provided.

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of the said city and county by amending Section 175, relating to nomination of elective officers.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 5, 1956, a proposal to amend the charter of said city and county by amending Section 175 thereof so that the same shall read as follows:

NOMINATION OF ELECTIVE OFFICERS

Nomination of elective officers

Section 175. The name of a candidate for an elective office shall be printed upon the ballot when a declaration of candidacy and certificates of not less than ten nor more than twenty sponsors shall have been filed on his behalf, and when the nomination shall be made in the following manner: The candidate, not more than sixty days before the municipal election in November, shall file with the registrar a declaration of his candidacy, in the form prescribed by the registrar for all candidates, including statements of his qualifications in not to exceed one hundred words, subscribed by him before the registrar. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration. The candidate shall pay to the registrar at the time of filing his declaration of candidacy the sum of thirty dollars ($30). After said declaration shall have been signed, certified and filed, and not later than forty-five days before said election in November, not less than ten nor more than twenty sponsors for the said candidate, who are electors of the city and county qualified to vote at the said municipal election, shall appear before the registrar and shall certify under oath to the qualifications of the said candidate

on a form of certificate prescribed by the registrar for all sponsors of all candidates. The candidate shall have the right to reject any unsolicited sponsor.

In the event the registrar shall refuse to file such declaration of candidacy or certificate of a sponsor thereof, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate. The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate, provided that a candidate whose nomination has been completed, may, not less than forty days before a municipal election, withdraw as a candidate by filing with the registrar his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing.

The name of every candidate who has been nominated for office as hereinbefore provided shall be placed on the ballot in alphabetical order in accordance with the initial letter of his surname, under the heading of the office for which said candidate has been nominated in the following manner: The name of the candidate highest on the alphabetical list of candidates for any particular office shall be printed first on the ballot under the proper heading for said office in the lowest numbered assembly district in the city and county. Thereafter, in each succeeding assembly district, the name of the candidate appearing first for said office in the last preceding district shall be placed last and the order of the names of the other candidates for said office shall remain unchanged.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient of said division, if an integral number, or, if it be a fractional number, then the next highest integral number, shall be the number of candidates to be taken from the beginning of the list of said candidates and placed at the end of said list of candidates in each succeeding assembly district.

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.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation

so designated shall be the same as appears in the affidavit of registration of the candidate.

In all cases words so used shall be printed in eight-point roman boldface capitals and lower-case type.

No incumbent shall have any further preference in the location of his name on said ballot unless the same is permitted by this section.

The registrar shall preserve in his office for a period of four years all candidates' declarations and all sponsors' certificates filed in accordance with this section.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 10 thereof, relating to salaries of members of the board of supervisors.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 5, 1956, a proposal to amend the charter of said city and county by amending Section 10 thereof so that the same shall read as follows:

NUMBER, COMPENSATION AND MEETINGS OF SUPERVISORS

Section 10. The board of supervisors shall consist of eleven members elected at large, provided that for the period January 8, 1932, to January 8, 1934, the board shall consist of fifteen members. Each member of the board shall be paid a salary of forty-eight hundred dollars ($4,800) per year, and each shall execute an official bond to the city and county in the sum of five thousand dollars ($5,000). Board of supervisors

At twelve o'clock noon on the 8th day of January next following their election, the newly elected and continuing members of the board of supervisors shall meet at the legislative chamber in the City Hall, and thereafter regular meetings shall be held as fixed by resolution. The supervisors constituting the new board shall, on January 8, 1932, and every second year thereafter, elect one of their number as president of the board for a two-year term The president shall preside at all meetings, shall appoint all standing and special committees of the board and shall have such other powers and duties as the supervisors may provide.

The meetings of the board shall be held in the City Hall, provided that, in case of emergency, the board, by resolution, may designate some other appropriate place as its temporary meeting place. The board shall cause a calendar of the busi-

ness scheduled for each meeting to be published and shall keep and publish a journal of its proceedings. Notice of any special meeting shall be published at least twenty-four hours in advance of such special meeting.

PROPOSITION E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 222 thereof, relating to prohibited practices of officers and employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 5, 1956, a proposal to amend the charter of said city and county by amending Section 222 thereof, so that the same shall read as follows:

PROHIBITED PRACTICES OF OFFICERS AND EMPLOYEES

Prohibited practices

Section 222. No member of any board or commission shall accept any employment relating to the business or the affairs of any person, firm or corporation which are subject to regulation by the board or commission of which he is a member. No supervisor and no officer or employee of the city and county, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes and assessments, or by virtue of legal process at the suit of the city and county; nor shall any person in this section designated during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city and county, or any department or officer thereof, or in any franchise, right or privilege granted by the city and county, unless the same shall be devolved upon him by law; nor shall any person mentioned in this section give or promise any money or other valuable thing, or any portion of his compensation, in consideration of his nomination, appointment, or election to any city and county office or employment; or accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for a position as employee or subordinate under him.

No supervisor and no officer or employee of the city and county shall engage in any activity, employment or business or

professional work or enterprise which is inconsistent, incompatible, or in conflict with his duties as a supervisor or officer or employee of the city and county or with the duties, functions and responsibilities of his appointing power, or the department, office or agency by which he is employed, or the board or commission of which he is a member.

The Civil Service Commission with respect to officers and employees whose positions are subject to the Civil Service provisions of the Charter other than officers and members of the Fire and Police Departments, the Fire Commission with respect to officers and members of the Fire Department and the Police Commission with respect to officers and members of the Police Department, are each empowered to prescribe and enforce such reasonable rules and regulations as each Commission deems necessary to effectuate the purposes and intent of this section. Such rules and regulations may provide for restrictions against activities, employments and enterprises other than those described or mentioned herein when such restrictions are found necessary for the preservation of the honor or efficiency of the city and county civil service or for the protection of the best interests of the city and county service in any respect.

Violation of any of the provisions of this section shall constitute official misconduct or cause for dismissal and shall subject the violator to the proceedings and penalties provided therefor in the Charter.

PROPOSITION F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 165.3 thereto, relating to relinquishment of San Francisco City and County Employees' Retirement System allowance by certain persons who retired from an employment status in which such persons were members of the State Teachers' Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 5, 1956, a proposal to amend the charter of said city and county by adding Section 165.3 thereto, reading as follows:

RELINQUISHMENT OF CERTAIN RETIREMENT ALLOWANCES

Retirement allowances

Section 165.3. Any person who retired under the San Francisco City and County Employees' Retirement System from an employment status in which he was a member of the State Teachers' Retirement System, and whose retirement was

effective after June 30, 1955, and not later than ninety days after the effective date of this section, hereby designated as the first day of the month next following its ratification by the legislature, may elect, in writing on a form provided by the retirement system and to be filed at the office of said system within ninety days after the effective date of this section, to relinquish his right to a retirement allowance from said City and County Employees' Retirement System. If such person so elects to relinquish said right, his retirement allowance shall be cancelled forthwith and no payments of such allowance shall be made to him, or on his account, for time on and after the effective date of such election, and such election shall be irrevocable. The San Francisco City and County Employees' Retirement System shall pay or be liable to pay to or on account of such person only an amount equal to the actuarial equivalent, as of the effective date of such relinquishment, and on the basis of the mortality tables and interest rate then used under the system, of the portion of the cancelled allowance which was provided by said person's accumulated contributions at the effective date of his retirement. An amount equal to such actuarial equivalent shall be forwarded forthwith to the Retirement Annuity Fund of said State Teachers' Retirement System, to be applied on the amount due to said fund from said person under the provisions of Division (7), Chapter 14 of the Education Code of the State of California, but not to exceed the amount so due as may be quoted in a written statement requested of and received from said State Teachers' Retirement System as applied to any person herein involved. Any excess of the actuarial equivalent over said amount so quoted as due shall be paid forthwith to said person.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss

Certificate

This is to certify that we, John J. Ferdon, President of the Board of Supervisors of the City and County of San Francisco, and John R. McGrath, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a consolidated primary and special municipal election held on Tuesday, the fifth day of June, One Thousand Nine Hundred Fifty-Six; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City

and County of San Francisco, this twentieth day of August, One Thousand Nine Hundred and Fifty-Six.

JOHN J. FERDON
(SEAL) President of the Board of Supervisors of the City and County of San Francisco
JOHN R. McGRATH
Clerk of the Board of Supervisors of the City and County of San Francisco

APPROVED AS TO FORM:
DION R. HOLM
City Attorney
By BERNARD J. WARD
Deputy City Attorney

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco. Approval

CHAPTER 20

Assembly Concurrent Resolution No. 8—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated general and special municipal election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 11, 1957]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a free-holders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and City and County of San Francisco Charter amendments

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county six (6) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said six (6) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors, and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a consolidated general and special municipal election to be held in the City and County of San Francisco on the sixth day of November, 1956, the said six (6) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said consolidated general and special municipal election was held in said City and County of San Francisco on the sixth day of November, 1956, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Chronicle," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-sixth day of November, 1956, duly certify to the board of supervisors the results of said consolidated general and special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said consolidated general and special municipal election so held on the sixth day of November, 1956, the six (6) said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C, D, E, F, G and H; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now sub-

mitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 35.8 thereof, relating to the contingent fund of the Police Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held therein on November 6, 1956, a proposal to amend the charter of said city and county by amending Section 35.8 thereof, to read as follows:

Police Department Contingent fund

Section 35 8. The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of $25,000 to be known as the contingent fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the investigation and detection of crime, and the police commission shall allow and order paid out of such contingent fund, upon orders signed by the chief of police, such amounts as may be required.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 165.2.1 thereto, relating to increase in retirement allowances of miscellaneous officers and employees retired under Section 165.2 of the Charter prior to July 2, 1952, and retired under Section 165 of the Charter prior to July 2, 1952 but not prior to July 1, 1952.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held therein on November 6, 1956, a proposal to amend the charter of said city and county by adding thereto Section 165.2.1, to read as follows:

Retirement allowance increase

Section 165 2 1. Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on the effective date of this section, hereby designated as the first day of the month next following its ratification by the Legislature, to or on account of any person who was retired prior to July 2, 1952, as a

member of said system under section 165.2, and to or on account of any person who was retired prior to July 2, 1952 but not prior to July 1, 1952, as a member of said system under Section 165, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, then said monthly increase shall be an amount which shall bear the same ratio to $25 that the service with which the member was entitled to be credited at effective date of retirement, bears to twenty years. This section does not give any member retired prior to the effective date hereof, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to said effective date. If a member elected at retirement to have his retirement allowance modified under Option 2 or 3, provided by ordinance, and if the member and his beneficiary are living on said effective date, the increase in the allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on said effective date, or if the retired member is not living on said effective date and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the retirement system to meet the obligations of the city and county on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city and county currently as percentages of salaries of persons who are members under section 165.2, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to prior service, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any

year shall not be less than the amount disbursed during that year on account of said increases.

PROPOSITION E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 125, 144 and 151.3, relating to residence requirements, wages and hours of employment of platform men and coach or bus operators on the Municipal Railway.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the said city and county at an election to be held therein on November 6, 1956, a proposal to amend the charter of the said city and county by amending Sections 125, 144 and 151.3 thereof, so that the same shall read as follows:

Employments

Public utility employment

Section 125. All employees engaged in public utility work at the time this charter shall go into effect, and who have been permanently appointed to their respective positions in conformity with the civil service provisions of this charter, shall become employees of the public utilities commission under the classification held by each such employee at such time. All persons employed in the operating service of any public utility hereafter acquired by the city and county, at the time the same is taken over by the city and county, and who shall have been so employed for at least one year prior to the date of such acquisition, shall be continued in their respective positions and shall be deemed appointed to such positions, under, and entitled to all the benefits of, the civil service provisions of this charter; provided, however, that no person who is not a citizen of the United States shall be so continued in or appointed to his position. All persons residing outside the city and county claiming the benefit of this provision and who are not engaged on such utility work outside of the limits of the city and county shall be allowed a reasonable time, not exceeding one year, to become residents of the city and county.

Persons employed as platform men or bus operators in the operating department of the municipal railway system shall be subject to the following conditions of employment: The basic hours of labor shall be eight hours, to be completed within ten consecutive hours; there shall be one day of rest in each week of seven days; all labor performed in excess of eight hours in any one day, or six days in any one week, shall be paid for at the rate of time and one half.

For the fiscal year beginning July 1, 1957, the basic hours of labor shall be eight hours to be completed within ten consecutive hours, provided however, in alternate weeks, there shall

be two days of rest, consecutive where practicable, and all labor performed in excess of eight hours in any one day, or after a spread of ten consecutive hours in any one day, or five days in any one of such alternate weeks, shall be paid for at the rate of time and one half.

For the fiscal year beginning July 1, 1958, and thereafter, the basic hours of labor shall be eight hours, to be completed within ten consecutive hours, and there shall be two days off, consecutive where practicable, in each week. All labor performed in excess of eight hours in any one day, or after a spread of ten consecutive hours in any one day, or five days in any one week, shall be paid for at the rate of time and one half.

Conductors and motormen may be assigned to duty as bus operators and while assigned to such duty they shall receive the compensation fixed for such service. Such assignment shall be governed by seniority of service, subject to a qualifying test by the railroad management as to competency and to state laws as to qualifications and licensing.

City airports

The public utilities commission shall have jurisdiction over the airport now being conducted by the City and County of San Francisco, as well as over any other airport which said city and county may hereafter acquire, maintain or operate. All employees, exclusive of the manager, of the present San Francisco airport, who are actually employed at the present airport operated and maintained by the City and County of San Francisco on the effective date of this amendment and who have been continuously so employed for one year immediately preceding said date shall be continued in their respective positions as if appointed thereto after examination and certification from a list of eligibles and shall thereafter be governed by and be subject to the civil service provisions of this charter. All said employees so continued in their respective positions shall be eligible for like positions in any other airport hereafter acquired, maintained or operated by the City and County of San Francisco.

Applications

Civil service Applications

Section 144. Any citizen having the qualifications prescribed by section 7 of this charter may submit himself for any examination under conditions established by the civil service commission. Provided, however, applicants for positions as motorman, conductor or bus operator on the municipal railway need not be residents of the city and county at the time of application, examination or appointment, but must become residents within the meaning of section 7 within a reasonable time, not to exceed six months, after completion of the probationary period provided in section 148. The commission shall advertise in the official paper the time, place and general scope of all examinations for entrance into the public service and may take further appropriate means to interest suitable ap-

plicants. When examinations for promotion are to be held, the commission shall give notice thereof to all persons in positions entitling them under the civil service rules, to participate in such examination, by posting information thereof in the office of the commission for a period of ten days and notifying the department concerned.

Basis of Standardization of Compensation of Certain Employees

Compensation

Section 151.3. Notwithstanding any of the provisions of section 151 or any other provisions of this charter, whenever any groups or crafts establish a rate of pay for such groups or crafts through collective bargaining agreements with employers employing such groups or crafts, and such rate is recognized and paid throughout the industry and the establishments employing such groups or crafts in San Francisco and the civil service commission shall certify that such rate is generally prevailing for such groups or crafts in private employment in San Francisco pursuant to collective bargaining agreements, the board of supervisors shall have the power and it shall be its duty to fix such rate of pay as the compensations for such groups and crafts engaged in the city and county service. The rate of pay so fixed by the board of supervisors shall be determined on the basis of rates of pay certified by the civil service commission on or prior to April 1st of each year and shall be effective July 1st following; provided, that the civil service commission shall review all such agreements as of July 1st of each year and certify to the board of supervisors on or before the second Monday of July any modifications in rates of pay established thereunder for such crafts or groups as herein provided. The board of supervisors shall thereupon revise the rates of pay for such crafts or groups accordingly and the said revised rates of pay so fixed shall be effective from July 1st of the fiscal year in which such revisions are determined.

Should the budget estimates of the several departments be filed with the controller or transmitted to the mayor before any such report of said civil service commission is received by the board of supervisors, the head of each department affected by such report may amend its budget estimate to comply with the provisions of such report.

Notwithstanding the provisions of section 151 or any other provisions of this charter the wages of the various classifications of employment of platform employees and coach or bus operators of the municipal railway shall be determined and fixed, annually as follows:

(a) For the fiscal year beginning July 1, 1957, the basic hourly rate of pay shall be established at $2.244 per hour, and for the fiscal year beginning July 1, 1958, the basic hourly rate of pay shall be established at $2.448 per hour.

(b) On or before the first Monday of August 1959 and of each year thereafter the civil service commission shall certify to the board of supervisors for each classification of employment the average of the two highest wage schedules in effect on July 1st of that year for comparable platform employees and coach or bus operators of other surface street railway and bus systems in the United States operated primarily within municipalities having each a population of not less than 500,000 as determined by the then most recent census taken and published by the director of the census of the United States, and each such system normally employing not less than four hundred (400) platform employees or coach or bus operators, or platform employees, coach and bus operators.

(c) The board of supervisors shall thereupon fix a wage schedule for each classification of platform employees and coach and bus operators of the muncipal railway which shall be not in excess of the average of the two highest wage schedules so certified by the civil service commission for each such classification.

(d) When, in addition to their usual duties, such employees are assigned duties as instructors of platform employees or coach or bus operators they shall receive twenty (20¢) cents per hour in addition to the rate of pay to which they are otherwise entitled under the wage schedule as herein provided.

(e) The rates of pay fixed for platform employees and coach and bus operators as herein provided shall be effective from July 1st of the year in which such rates of pay are certified by the civil service commission; and for the fiscal year 1956-1957 the rates of pay specified in the established wage schedules shall be paid to employees in accordance with the classifications of employment to which assigned as provided in the wage schedules adopted for the fiscal year 1956-1957; provided, that the platform employees and bus and coach operators so employed by the municipal railway on January 11, 1955, shall be paid the maximum rate of pay provided in the wage schedules adopted for the fiscal year 1956-1957 regardless of classification to which assigned.

(f) Platform employees and coach and bus operators shall be paid one and one half times the rate of pay to which they would otherwise be entitled under the wage schedules as herein provided for all work performed on six days specified as holidays by ordinance of the board of supervisors for such employees.

(g) The terms wage schedule and wage schedules wherever used in this section are hereby defined and intended to include only the maximum rate of pay provided in each such wage schedule, but shall not include other financial or nonfinancial benefits or conditions of employment.

Not later than the 25th day of July in each year as to groups and crafts, and not later than the 25th day of August as to platform employees and coach or bus operators, the board of supervisors shall have power and it shall be its duty, subject

to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

On recommendation of the civil service commission the board of supervisors shall establish a rate of pay for trainee platform men and bus or coach operators at a level reflecting the current labor market but below the basic hourly rate for motorman, conductor and bus operator.

PROPOSITION F

Fire department employees Retirement and death benefits

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 171.1.5 and 171.1.7 thereof, and by adding Section 171.1.5.1 thereto, relating to retirement and death benefit provisions applicable to certain members of the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 6, 1956, a proposal to amend the charter of said city and county by amending Sections 171.1.5 and 171.1.7 thereof, and by adding Section 171.1.5.1 thereto, reading as follows:

Section 171.1.5. Upon the death of a member resulting from any cause, other than an injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement, under section 171.1.2, or after retirement for service, one-half of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or one-half of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife, or (b) if his death occurred, after retirement for disability by reason of injury received in or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the

age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his retirement.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 171.1.7, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age eighteen, may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore retired under charter section 171, as members of the fire department at the time of retirement, shall be subject to the provisions of this section. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under section 171.1 are subject, shall mean completion of thirty years of service regardless of age, or twenty-five years of service and attainment of age fifty-five, said service to be computed under section 171 1.9.

The effective date of this amendment shall be the first day of the month following approval by the State Legislature.

Section 171 1 5 1. Every allowance based on the average monthly compensation earnable by the member during the ten years prior to retirement, and payable for time commencing on the effective date of this section, to or on account of persons who were retired, as members under section 171, for disability resulting from bodily injury received in the performance of duty, shall be adjusted to the amount it would be, if it had been based on the monthly compensation fixed by the board of supervisors as of July 1, 1956, for the rank or position held by such retired member in the fire department prior to retirement. This section does not authorize any decrease in any allowance from the amount being paid at said effective date, nor does this section give any retired member, or any beneficiary of such member, or his successors in interest, any claim against the city and county for any increase in any allowance paid or payable for the time prior to its effective date. Adjustment in reserves under allowances which are changed according to this section, shall be made on the basis of current interest rate and mortality tables.

The increase in the retirement allowance shall be apportioned according to service rendered by the member in the

same manner that the allowance prior to increase was apportioned. Contributions to the retirement system, necessary for the payment of the increase of the portion of the retirement allowances which is paid from reserves held by the retirement system, shall be provided from the reserves held by the retirement system on account of members under section 171.1, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city and county currently, as a percentage of salaries of persons who are members under section 171.1, shall be increased to a percentage determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to current and prior service portions of the allowances which are not paid from reserves held by the retirement system, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases. The effective date of this section shall be the first day of the month following approval by the State Legislature.

Section 171 1.7. If a member of the fire department shall die, before retirement, from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 171.1.4 or 171.1.5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. The effective date of this amendment shall be the first day of the month following approval by the State Legislature.

PROPOSITION G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 74 thereof, relating to appropriations to meet utility deficits.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City

and County of San Francisco at an election to be held therein on November 6, 1956, a proposal to amend the charter of said city and county by amending Section 74 thereof, so that the same shall read as follows:

Appropriations to Meet Utility Deficits

Utility deficits

Section 74. In the event the public utilities commission and the mayor shall propose a budget for any utility which will exceed the estimated revenue of such utility, it shall require a vote of two-thirds of all members of the board of supervisors to approve such budget estimate and to appropriate the funds necessary to provide for the deficiency. Such budget of expenditures in excess of estimated revenues may be approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, in amount not to exceed three quarters of one cent ($.0075) on each one hundred dollars ($100) valuation of property assessed in and subject to taxation by the city and county, provided that whenever tax support is required for additions, betterments, extensions or other capital costs the total provision for such purposes shall not exceed an amount equivalent to three quarters of one cent ($.0075) on each one hundred dollars ($100) valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital costs in excess thereof shall require financing by authorization and sale of bonds. This section shall have precedence over section 127 of this charter and any other section deemed in conflict herewith.

PROPOSITION H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 35.3 thereof, relating to the appointment of assistant inspectors and inspectors.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held therein on November 6, 1956, a proposal to amend the charter of said city and county by amending Section 35.3 thereof, to read as follows:

Police inspectors and assistant inspectors

Section 35.3. The Chief of Police may detail from time to time members of the department for performance of duty in the Bureau of Inspectors, the Juvenile Bureau, the Accident Investigation Bureau, the Bureau of Special Services, and the Intelligence Unit, who shall be known as Assistant Inspectors,

and who may be removed from such detail by order of the Chief of Police. An appointment as Inspector shall not be subject to competitive examination. In case of vacancy in said rank of Inspector in the Bureau of Inspectors, the appointment shall be made by the Chief of Police from among those Assistant Inspectors who have been detailed to, and who have actually served with the Bureau of Inspectors for at least two years prior to such appointment. The Chief of Police may appoint Inspectors in the Juvenile Bureau, the Accident Investigation Bureau, the Bureau of Special Services, and the Intelligence Unit; such appointments shall be made from among those Assistant Inspectors who have been detailed to, and have actually served as such Assistant Inspectors in the bureau or unit in which the appointment is made for at least two (2) years prior to such appointment. The number of Inspectors at any one time in the Juvenile Bureau, the Accident Investigation Bureau, the Bureau of Special Services, and the Intelligence Unit shall not be greater than a total of twenty-five (25) inspectors. Inspectors and Assistant Inspectors shall have the same rights as other members of the department to take competitive examinations from their respective civil service ranks. An inspector guilty of any offense or violation of the rules and regulations of the police department shall be subject to punishment as provided in section 155 of this charter; provided, however, that in addition to the punishments set forth in section 155, an inspector may be demoted to his civil service rank for any offense or violation set forth in said section and after trial and hearing before the police commission as set forth therein. The chief of police, in addition to the inspectors above provided for, shall detail any member of the department to serve as inspector of school traffic patrols who shall have the rank and pay of inspector, subject to the provisions of this section.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss.

Certificate

This is to certify that we, John J. Ferdon, President of the Board of Supervisors of the City and County of San Francisco, and John R. McGrath, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a consolidated general and special municipal election held on Tuesday, the sixth day of November, One Thousand Nine Hundred Fifty-Six; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this _____ day of _____ One Thousand Nine Hundred and Fifty-Six.

(SEAL)

JOHN J. FERDON
President of the Board of Supervisors of the City and County of San Francisco
JOHN R. McGRATH
Clerk of the Board of Supervisors of the City and County of San Francisco

now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

APPROVED AS TO FORM
DION R. HOLM, City Attorney

CHAPTER 21

Senate Concurrent Resolution No. 19—Approving certain amendments to the charter of the City of Marysville, a municipal corporation in the County of Yuba, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 15, 1957.]

City of Marysville Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Marysville, a municipal corporation in the County of Yuba, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MARYSVILLE OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF YUBA } ss.
CITY OF MARYSVILLE

Certificate

We, the undersigned, Hobart W. Crook, Mayor of the City of Marysville, and Chester O. Gates, City Clerk of the City of Marysville, do hereby certify and declare as follows:

That the City of Marysville, County of Yuba, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1919 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 25th day of February, 1919, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of April, 1919 (Statutes of 1919, page 1467).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the Council of the City of Marysville, being the legislative body of said city, on its own motion, by its Resolution No. 2, adopted on September 4, 1956, duly and regularly submitted to the qualified electors of said City two certain proposals designated respectively Proposal No. 1 and Proposal No. 2 for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. 2 and by a resolution adopted by the Board of Supervisors of Yuba County on September 4, 1956, with the State of California General Election held in Yuba County and in said City on November 6, 1956.

That said proposed amendments were published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 12th day of September, 1956, in the Appeal-Democrat, the official newspaper of said City of Marysville, a newspaper of general circulation printed and published in said City of Marysville, and in each edition thereof during said day of publication.

That said State of California General Election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 6th day of November, 1956, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendments in said Appeal-Democrat.

That the Board of Supervisors of Yuba County did duly canvass the votes cast in said City of Marysville at said special municipal charter amendment election and did duly certify to the Council of said City the results of the votes cast at said special municipal charter amendment election; and that the Council of said City of Marysville on December 3, 1956, did, by resolution, duly confirm said canvass by said Board of Supervisors and did duly find and declare that a majority of the

qualified voters voting on each of said charter amendments voted in favor thereof and that both of said charter amendments were ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify each of said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election were to amend Sections 1 and 2 of Article I and Section 3 of Article IV of the Charter of the City of Marysville in the words and figures following, to wit:

ARTICLE I. BOUNDARIES

Boundaries

SECTION 1. Boundaries—Description. The City of Marysville shall continue to be a municipal corporation by the name of City of Marysville. The boundaries thereof are hereby declared to be as follows:

Commencing at a point on the south bank of Yuba River, opposite "D" Street in said City; thence westerly along the south bank of said Yuba River to the center of Feather River; thence northerly up the center of Feather River to a point opposite the northerly line of Sixteenth Street; thence easterly along the said northerly line of said Sixteenth Street to the westerly line of "E" Street; thence northerly along the said westerly line of said "E" Street to the northeast corner of suburban Lot 5, Range "F" of said City; thence easterly to the outer side of the levee as now located by said City; thence easterly along the outer side of said levee until it intersects the outer side of the Browns Valley road levee; thence south-westerly along the outer side of the said Browns Valley road levee to a point where said outer side of Browns Valley road levee intersects the easterly line of Swezy Street; thence due south to a point on the south bank of Yuba River; thence westerly along the said south bank of Yuba River to the point of beginning.

SECTION 2. Future Change of Boundaries. The said boundaries of the City shall not be changed unless by a two-thirds vote of the qualified electors of said City voting therefor at a general or special municipal election.

ARTICLE IV. TAXATION

Tax rate limits

SECTION 3 Tax Rate-Limitation; Bonded Debt Limit. Exclusive of the additional taxes permitted by this Section, the Council shall not levy a property tax in excess of One Dollar and Fifty Cents ($1.50) on each One Hundred Dollars ($100.00) of the assessed value of taxable property in the City for municipal purposes; provided that during any period beginning on the first day of July next succeeding the date on which any ordinance providing for the levy of sales taxes in the City shall have become effective and ending on the first day of July next succeeding the date on which all such ordi-

nances shall be repealed the Council shall not levy a property tax in excess of One Dollar and Twenty Cents ($1.20) on each One Hundred Dollars ($100.00) of the assessed value of taxable property in the City for municipal purposes.

There shall be levied and collected at the time and in the same manner as property taxes for municipal purposes are levied and collected, as additional taxes, (a) such tax or taxes on taxable property within that portion of the City inside the Marysville City levee as shall be required and authorized by this Charter or any law of the State of California for levee purposes, and (b) if no other provision for payment thereof is made, a tax sufficient to meet all liabilities of the City for principal of and interest on all outstanding bonded indebtedness of the City and all judgments against the City due and unpaid or to become due during the next ensuing fiscal year.

The bonded indebtedness of the City shall not exceed fifteen percentum (15%) of the total assessed valuation of all the taxable property within the City.

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Marysville with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Marysville are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Marysville to be affixed hereto this 10th day of December, 1956.

HOBART W. CROOK
(SEAL) Mayor of the City of Marysville
CHESTER O. GATES
City Clerk of the City of Marysville

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said

Approval

amendments to the charter of the City of Marysville, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the charter of said City of Marysville.

CHAPTER 22

Assembly Concurrent Resolution No. 15—Approving a certain amendment to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election consolidated with the state primary election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 15, 1957.]

City of Los Angeles: Charter amendment

WHEREAS, Proceedings have been taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF LOS ANGELES

Certificate

We, John S. Gibson, Jr., President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million nine hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles a certain proposal for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special municipal election held on the fifth day of June, 1956, pursuant to Ordinance No. 107,321 of said City, approved April 25, 1956, which said special municipal election was consolidated with the State Direct Primary Election held in said City on said date, all as required by law, which said proposal was designated as Proposed Charter Amendment "A".

That on the 25th day of April, 1956, the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 25, 1956, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 25, 1956, to and including June 5, 1956; and a notice was advertised and published on and from April 25, 1956, to and including June 5, 1956, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a special municipal election consolidated with the State Primary Election, held on June 5, 1956, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon said proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of the County of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles which, pursuant to law, met on July 9, 1956, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said Registrar of Voters.

That the said amendment to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors

of said City, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

PROPOSED CHARTER AMENDMENT NO. "A"

The Charter of The City of Los Angeles is amended by adding thereto Section 239.9 thereof to read as follows:

Bonds issued for airports and heliports Use of proceeds

Sec. 239.9. In the event The City of Los Angeles issues any bonds authorized at the Special Municipal Election held June 5, 1956 to incur a bonded indebtedness secured by General Obligation Bonds of the City for the purpose of completing, enlarging, constructing, improving, acquiring equipping and furnishing any airports, heliports, works, structures, facilities, utilities or appliances for the promotion, accommodation, and development of air commerce, air navigation, air transportation, aviation or matters incidental thereto, or used in connection therewith, then and in that event, notwithstanding the provisions of Section 239.8 of this Charter, the moneys deposited in the airport revenue fund, as described therein, and exempted from Section 382 of this Charter, after June 30, 1957, shall be used only for the following purposes:

(1) For the administration, operation and maintenance of airports and heliports and their facilities, improvements and appurtenances owned or controlled by the City, (including the purchase of supplies and equipment) the promotion of air commerce, air navigation, air transportation, or aviation, and for the replacement or reconstruction (but not the construction of additions or extensions) of airport facilities and utilities, exclusive of buildings (except to the extent that insurance proceeds may be available for replacement or reconstruction of buildings), and for the establishment, at the commencement of each fiscal year, commencing July 1, 1957, of a reserve fund equal to fifty percent (50%) of the administration, maintenance and operating expense budgeted by the Board of Airport Commissioners for such fiscal year, such reserve fund to be subject to appropriation for administration, maintenance and operating expenses, and the replacement or reconstruction of airport facilities as provided above; provided, however, that there is hereby set aside an amount equal to the unencumbered moneys in the airport revenue fund at the close of business on June 30, 1957, to be expended only in the acquisition of land, improvements, works, equipment and facilities or the improvement, enlargement and repair of improvements, works, equipment or facilities, said moneys set aside as above provided shall be transferred to an account in the airport revenue fund designated "airport improvement fund account" and notwithstanding any other provision in this Charter, shall remain in said account until expended for the purposes herein authorized by appropriation by the Board of Airport Commissioners;

(2) For the payment of principal and interest, or either, due, or coming due during the fiscal year in which the reve-

nues in said fund are received, or are to be received, upon any General Obligation Bonds issued after June 1, 1956, for the purpose of acquiring, constructing, enlarging, completing or improving any such airports, heliports, works, structures, facilities, utilities or appliances and for said purpose there is hereby appropriated from said fund, each year, an amount equal to the total balance which, at the close of the preceding fiscal year, remains in said fund over and above the amount of outstanding demands and liabilities payable out of said fund and the reserve authorized to be established for the purposes stated in (1) above, but in no event shall the amount so appropriated during any fiscal year exceed the amount of such principal and interest due or to become due on such bonds during said year; provided, however, that for the fiscal years commencing July 1, 1957 to and including the fiscal year ending June 30, 1969, all surplus money remaining after the payment of principal and interest as hereinabove provided shall be appropriated and set aside for the payment of principal and interest on or redemption of the bonds issued after June 1, 1956 including repayment to the City of any sums advanced for said purpose. Notwithstanding any of the provisions hereof any sums advanced by the City for the payment of principal or interest on bonds issued after June 1, 1956, shall be repaid prior to the use of airport revenues for any of the purposes stated in paragraphs (3) to (9) inclusive hereof;

(3) For the acquisition, construction, improvement or extension of any airports or heliports, works, structures, equipment or facilities for the promotion, accommodation or development of air commerce, air navigation, air transportation, or aviation, or matters incidental thereto or used in connection therewith; provided, however, that no expenditure shall be made or authorized for such purposes unless there shall be then available in said fund moneys in excess of the amounts required for the purposes set forth in (1) and (2) above;

(4) At the end of each fiscal year subsequent to June 30, 1957, all surplus money remaining in the airport revenue fund in excess of the amounts required for the purposes set forth in (1), (2), and (3) above shall be used for payment of principal and interest, or either, due, or coming due during such fiscal year, upon General Obligation Bonds issued prior to June 1, 1956, by the City for the purpose of acquisition, construction and improvement of any airport owned or operated by the City; for the return and payment into the general fund of the City for the purpose of reimbursing said general fund for any sums paid by the City from funds raised by taxation for the payment of principal or interest, or both, upon any General Obligation Bonds issued prior to June 1, 1956 by the City for acquisition, construction and improvement of any airport owned or operated by the City; and for

the payment of all sums required for the redemption of any of the General Obligation Bonds issued after June 1, 1956 which the Board of Airport Commissioners may determine shall be called;

After provision for (1), (2), (3) and (4) above, all remaining funds may be expended for the following:

(5) For putting into effect and carrying out the powers vested in the Board of Airport Commissioners under the provisions of this Charter, and the promotion of air commerce, air navigation, air transportation, aviation, and the use of any airports or heliports owned or operated by the City;

(6) To return and pay into the general fund of the City or the appropriate fund of any of its departments any sum properly chargeable to the Department of Airports for use of any property furnished or services performed therefor by other City departments;

(7) To meet liabilities incurred in connection with the operation of the department;

(8) To pay the cost of performing additional duties imposed upon the Department of Airports by ordinance; and

(9) For defraying the expenses of any pension system applicable to the employees of the department that has been or may be established by the City; otherwise Section 239.8 shall remain in full force and effect.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 18th day of December, 1956.

(SEAL)

JOHN S. GIBSON, JR.
President of the City Council of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to

each house voting therefor and concurring therein, That said amendment to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of the said The City of Los Angeles.

CHAPTER 23

Assembly Concurrent Resolution No. 18—Approving a certain amendment to the charter of the City of Arcadia, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election consolidated with the state-wide general election held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 15, 1957.]

City of Arcadia Charter amendment

WHEREAS, Proceedings have been taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of Arcadia, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor, a member and the presiding officer of the city council, and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF ARCADIA, CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF ARCADIA }

Certificate

We, Donald S. Camphouse, Mayor, member and presiding officer of the Council of the City of Arcadia, and Christine Van Maanen, City Clerk of the City of Arcadia, do hereby certify and declare as follows:

That the said City of Arcadia, in the County of Los Angeles, State of California, is now and was at all times herein mentioned:

(a) A city containing a population of more than 3500 and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

(b) A city organized and existing under a charter, adopted under the provisions of Section 8, Article XI of the Constitu-

tion of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 24th day of April, 1951, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 14th day of May, 1951. (Assembly concurrent resolution No. 58, Chapter 117, Statutes 1951, p. 4514.)

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of the City of Arcadia, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Arcadia, a certain proposal for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special municipal election, consolidated with the state-wide general election, called and held for that purpose in said city on the 6th day of November, 1956, all as required by law.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on September 6 and September 13, 1956, in The Arcadia Tribune and Arcadia News, a weekly newspaper of general circulation printed and published in said City of Arcadia and being the official newspaper of said city and for said purpose, and in all editions thereof issued during said days of publication, all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That said proposed charter amendment was submitted to the electors of said city for adoption and ratification at a special municipal election consolidated with the state-wide general election, held on November 6, 1956, which was not less than forty, nor more than sixty days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon said proposed charter amendment as well as a majority of the qualified electors voting at said election voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of the County of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of said City of Arcadia which, pursuant to law, at its first regular meeting next succeeding the receipt of said official canvass of said election returns met at its usual time and place of meeting and duly declared the result of said canvass of the returns of said election, as certified by the said Registrar of Voters.

That the proposition submitted to the electors of said City of Arcadia as aforesaid was as follows:

KK	PROPOSED ARCADIA CITY CHARTER AMENDMENT No. 1: Shall Section 402 of the Arcadia City Charter be amended to read as follows? Section 402. COMPENSATION. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, each member shall receive the sum of one hundred dollars per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman.	YES	
	The City Clerk shall receive compensation for his services in such amount and at such stated times as shall be prescribed by ordinance adopted by the City Council, which compensation shall not be increased or diminished so as to affect the salary of an incumbent during the continuation of his current term of office.	NO	

That the said amendment to the charter of the City of Arcadia, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

Compensation of councilmen and city clerk

Section 402. COMPENSATION. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, each member shall receive the sum of one hundred dollars per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman.

The City Clerk shall receive compensation for his services in such amount and at such stated times as shall be prescribed by ordinance adopted by the City Council, which compensation shall not be increased or diminished so as to affect the salary of an incumbent during the continuation of his current term of office.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitted to the electors of said City, and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment this certificate shall be taken as a full and com-

plete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of the City of Arcadia to be affixed hereto this 27th day of December, 1956.

(SEAL)

DONALD S. CAMPHOUSE
Mayor and Member and Presiding Officer of the City Council of the City of Arcadia
CHRISTINE VAN MAANEN
City Clerk of the City of Arcadia

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Arcadia as proposed to and adopted and ratified by the electors of said City, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the said City of Arcadia.

CHAPTER 24

Assembly Concurrent Resolution No. 12—Commending Carl Greenberg for his outstanding work as a political editor.

[Filed with Secretary of State, January 16, 1957]

WHEREAS, The attention of the Legislature has been called to the outstanding work performed in recent years by Carl Greenberg as political editor of the Los Angeles Examiner; and

WHEREAS, Mr. Greenberg who first became interested in journalism while a high school student in Los Angeles has been employed by the Examiner for 24 years, holding the office of political editor since 1943; and

WHEREAS, During that time he has become known as a guardian of democracy, searching out defects in the legislative system, and placing before the public facts and figures relating to the government about which the citizens were entitled to be informed; and

WHEREAS, The California taxpayers have been saved millions of dollars by the overhauling of state leasing operations

and the elimination of other wasteful governmental practices as a direct result of Mr. Greenberg's efforts; and

WHEREAS, It was through his newspaper articles that the public first was aroused to the dangers of the widespread practice of legislative bodies barring the people from executive sessions at which important matters of public policy were decided; and

WHEREAS, Mr. Greenberg was a leader in the movement to require party identification after each candidate's name on election ballots, thus eliminating much of the confusion of cross-filing; and

WHEREAS, In addition to his many crusades for governmental reforms he has for the past 14 years provided his readers with a detailed and accurate coverage of the state legislative proceedings in Sacramento; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Carl Greenberg be commended for his notable contributions to journalism in the field of political reporting; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to Carl Greenberg.

CHAPTER 25

Senate Joint Resolution No. 3—Relative to extending the duck season in California.

[Filed with Secretary of State, January 17, 1957.]

WHEREAS, Wise game management contemplates not only proper measures to protect and aid in the propagation of wild life but also the fullest utilization of such wild life commensurate with conservation of the species of waterfowl; and

WHEREAS, In setting the arbitrary period for the hunting of migratory waterfowl in the State of California a normal weather cycle was contemplated; and

WHEREAS, The weather cycle actually experienced in California was one of the dryest in many years which meant that the migratory waterfowl concentrated in inaccessible areas and did not migrate along usual routes with the result that the 175,000 duck hunters in this State experienced one of the poorest years since the advent of modern game management; and

WHEREAS, Unless the season on migratory waterfowl is extended the proper utilization and harvest of these birds will be impossible; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President of the United States is respectfully memorialized to issue a proclamation to extend the migratory waterfowl season in the State of California for 30 days; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 26

Senate Concurrent Resolution No. 15—Relative to the retirement of Judge J. A. Smith

[Filed with Secretary of State, January 17, 1957.]

WHEREAS, It has come to the attention of the Legislature that this month, January, 1957, marks 40 years of outstanding service by J. A. Smith, as Judge of the Superior Court, Calaveras County, and also marks the retirement of this notable personage from the bench; and

WHEREAS, On April 25, 1882, James Alexander Smith was born in Calaveras County at West Point, in which community he was also raised and educated; and

WHEREAS, His splendid and worthy service to community and state began early in his life as from 1902 to 1907 he taught school in Calaveras County, while also attending summer sessions at the University of California; then from 1907 to 1911 he was deputy county auditor and recorder and, after his admittance to the bar in 1909, he engaged in the private practice of law until 1917; and

WHEREAS, This eminent native son was joined in holy matrimony on June 20, 1911, with a native daughter, Idell Silsby Parsons of Murphys in Calaveras County, and for lo these many years she has been a constant and comforting companion; and

WHEREAS, J. A. Smith began his long and illustrious career as Judge of the Superior Court, Calaveras County, on January 3, 1917, the day of his appointment, and ever since he has proved himself to be a true judicial nugget from the heart of the Mother Lode of California; and

WHEREAS, During his long service as a judge, he has presided at trials in many counties of California and has built up an enviable reputation as a fair-minded and impartial judge, one not only learned in the law but imbued with a high sense of justice; and

WHEREAS, Judge Smith is a real "old timer" whose knowledge and writings of the history of Calaveras County are of such widespread repute that he has been known for many years as "The Historian of Calaveras County"; also, because of his prominence in this subject, he has been highly honored by being elected the only president of the Calaveras County Historical Society since its organization in 1952; and

WHEREAS, In addition to being a judge and historical writer, Judge Smith is a cattle rancher and orchard grower; also, he

has found time to be an active member in the Calaveras County Chamber of Commerce, the Progressive Club of San Andreas, and the Ancient Free and Accepted Masons (AAONMS, 32°, AASR); and

WHEREAS, After 40 years of distinguished service as a judge of the superior court, Judge Smith has now retired from active participation as a jurist and it is fitting that the Legislature pay tribute to him; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California congratulates Judge J. A. Smith upon his long and distinguished career and wishes him many years of happiness in his retirement, knowing that he will continue to take an active interest in the affairs of his county and state and will continue to make a substantial contribution to the welfare and betterment of mankind; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Judge J. A. Smith.

CHAPTER 27

Senate Concurrent Resolution No. 29—Relative to the passing of Bishop Robert J. Armstrong.

[Filed with Secretary of State, January 17, 1957]

WHEREAS, January 14, 1957, marked the passing of one of California's most outstanding clergymen, Bishop Robert J. Armstrong; and

WHEREAS, The record of his lifetime is one of self-sacrifice, dedicated service to his fellow-man, and unbounded devotion to God; and

WHEREAS, A native of San Francisco, California, Bishop Armstrong received his bachelor of arts degree in 1904 from Gonzaga University and in 1910 was ordained and given his first assignment; and

WHEREAS, This remarkable priest was elevated to Bishop of the Sacramento Diocese in 1929 and at the time of his death his pastoral office included the Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba, an area of approximately 53,400 square miles; and

WHEREAS, In 1954 Bishop Armstrong celebrated his silver jubilee, which event was attended by many high ranking dignitaries of the Roman Catholic Church in the western United States, and he also received an honorary degree of doctor of literature from Gonzaga University, which degree honored him for his vast knowledge in the literary field; and

WHEREAS, It is with heavy heart that this Legislature mourns the passing of this notable personage, Bishop Robert J. Armstrong; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature hereby express their profound grief at the passing of this most distinguished native son, this extraordinary community leader, and this very renowned and popular clergyman, Bishop Robert J. Armstrong; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Bishop Joseph T. McGucken, Coadjutor Bishop of the Sacramento Diocese, and to Miss Marguerite Armstrong of Spokane, Washington, Bishop Armstrong's sister.

CHAPTER 28

Assembly Concurrent Resolution No. 32—Approving charter amendments to the charter of the City of Whittier, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of said city at a regular municipal election held therein on the third day of April, 1956.

[Filed with Secretary of State, January 17, 1957.]

City of Whittier Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Whittier, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF CHARTER AMENDMENT

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss

Certificate

We, the undersigned, A. C. Newsom, Mayor of the City of Whittier, State of California, and Guy N. Dixon, City Clerk of the City of Whittier, do hereby certify as follows:

That the City of Whittier, a municipal corporation in the County of Los Angeles, State of California, is now and at all times herein mentioned, was a city containing a population of more than thirty-five hundred (3,500) inhabitants and has been ever since the 13th day of April, 1954, and now is organized and existing and acting under a freeholder's charter adopted and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 13th day of April, 1954, and approved by the Legislature of the State of California by Assembly Concur-

rent Resolution filed with the Secretary of State on the 7th day of January, 1955.

That in accordance with the provisions of Article XI of the Constitution of the State of California, and on its own motion, the City Council of the City of Whittier being a legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as charter amendments to amend the Charter of said City and to be voted upon by said qualified electors at a regular municipal election held in said City on the 3rd day of April, 1956.

That said proposed amendments were published and advertised in accordance with the provisions of Article XI of the Constitution of the State of California, in the Whittier News, a daily newspaper of general circulation, printed, published and circulated in the City of Whittier.

That copies of said proposed amendments were printed in pamphlet form in type of not less than 10 point and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Whittier. That it was also advertised that copies of said proposed amendment could be had at the office of the City Clerk of the City of Whittier. That copies of said pamphlet containing said proposed charter amendments could be had at the office of the City Clerk of the City of Whittier to and including the 3rd day of April, 1956, the day fixed for said election.

That said regular municipal election was duly and regularly held in the City of Whittier after due notice given and published on the 3rd day of April, 1956, which day was not less than forty (40) days nor more than sixty (60) days after the completion of the published advertisement of the aforementioned proposed charter amendments.

That the returns of said election were in accordance with the law in such cases, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers duly authorized thereunto, that all of the amendments to the charter of the City of Whittier hereinafter set forth were ratified by a majority of the electors of said City voting thereon. That the City Council of the City of Whittier did, by its Resolution No. 2818, on April 10, 1956, duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said charter amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of Whittier, so ratified by the electors, are in the following words and figures:

CHARTER AMENDMENT No. 1,

Appointment of city manager pro tempore

"Amending Section 507 of Article V of the City Charter of the City of Whittier: 'The City Manager may appoint, subject to the approval of the City Council, one of the officers or department heads of the City, or any other qualified person, to serve as Manager Pro Tempore during the temporary absence or disability of the City Manager. In the event of the death, resignation or dismissal of the City Manager, the City Council may appoint any qualified person to act as City Manager Pro Tempore pending the appointment of a new City Manager'."

CHARTER AMENDMENT No. 2,

"Adding a new section to the City Charter of the City of Whittier, to be known as Section 801.1: 'Section 801.1. Residential Requirements. Every member of the Police and Fire Departments shall be required to reside and maintain his residence within the boundaries of the Whittier Judicial District as the same was defined and existed on January 1, 1956'."

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Whittier with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Whittier to be affixed hereto this 8th day of May, 1956.

(SEAL)

A. C. NEWSOM
Mayor of the City of Whittier
GUY N. DIXON
City Clerk of the City of Whittier

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Whittier, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Whittier.

CHAPTER 29

Assembly Concurrent Resolution No. 14—Relative to the gallant fight for freedom of the Hungarian people.

[Filed with Secretary of State, January 18, 1957]

WHEREAS, On October 23, 1956, the people of the nation of Hungary began their gallant fight in the cause of freedom and the defense of the dignity of man; and

WHEREAS, These brave people, by their defiance of the Russian guns and tanks, have demonstrated to the world and to the people of California that under the heel of the tyrant the flames of rebellion burn on in the hearts of men born to freedom; and

WHEREAS, The bravery of these people in the face of overwhelming, crushing forces has been an inspiration to all people who love freedom; and

WHEREAS, The Legislature of the State of California desires to pay homage to the memory of the heroic dead and to commend the Hungarian people for the gallant, inspired fight they have made in the cause of freedom; and

WHEREAS, The Legislature of the State of California desires to express its deep appreciation to the President of the United States and to the people of America for the assistance given to the Hungarian refugees in their hour of need; and

WHEREAS, It is the desire of this Legislature that the Governor of the State of California and the heads of all departments in this State be requested to do everything in their power to aid these persons in getting settled, finding employment, completing their education, and becoming citizens; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby commend the Hungarian people, pay homage to their heroic dead, express appreciation to the President of the United States for the assistance he has given these people, and request the Governor of California and the heads of all departments of this State to do everything in their power to aid these persons; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the President of the United States, the Governor of California and one to each department head of the government of the State of California.

CHAPTER 30

Assembly Concurrent Resolution No. 21—Relative to the holding of the convention of the International Association of Fire Chiefs in the City of Los Angeles.

[Filed with Secretary of State, January 18, 1957]

WHEREAS, The name of California has, since the earliest days of its settlement, been synonymous with the word "welcome," and the citizens of this State take great pride in the fact that this spirit of welcome is known and relied upon throughout the world; and

WHEREAS, The City of Los Angeles provides an ideal setting for the holding of any convention, whether large or small; and

WHEREAS, The City of Los Angeles has many varied attractions, such as national broadcasting and telecasting studios, motion picture studios, pleasure and health resorts, famed hotels and restaurants featuring cuisines of the world, and educational and cultural activities of all kinds, to enumerate but a few, all of which are gathered in a picturesque and historical atmosphere; and

WHEREAS, The citizens and businesses of the City of Los Angeles look forward to, and endeavor to extend their hospitality and cordiality to every convention, whether large or small; and

WHEREAS, The City of Los Angeles feels itself admirably equipped in every way to make the convention of the International Association of Fire Chiefs a complete success; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby extends to the International Association of Fire Chiefs a most cordial invitation to hold their 1958 convention in the State of California and in the City of Los Angeles; and be it further

Resolved, That the Chief Clerk of the Assembly be, and hereby is, directed to transmit suitably prepared copies of this resolution to the International Association of Fire Chiefs.

CHAPTER 31

Assembly Concurrent Resolution No. 37—Relative to honoring and congratulating Frank Newton Gifford on the occasion of the celebration of "Frank Gifford Day" in Bakersfield, California.

[Filed with Secretary of State, January 18, 1957]

WHEREAS, California has come to be regarded throughout the world as the producing ground of champion athletes and

the performances and careers of these champions have brought great honor and credit to the State; and

WHEREAS, Frank Newton Gifford, the son of Mr. and Mrs. Weldon Wayne Gifford, was born in California 26 years ago; attended public schools in Bakersfield; played football at Bakersfield High School, Bakersfield Junior College, the University of Southern California, and currently performs for the New York Giants of the National Football League; and

WHEREAS, Frank has always made his great talents available for all worthy causes; he was a participant in the East-West Shrine Game, College All-Star Game, Senior Bowl Game, and was awarded the first President Eisenhower Trophy as the outstanding player in the Armed Forces Game of 1954; and

WHEREAS, In the last season, Frank reached the pinnacle of success in the sports world by being acknowledged, by his own competitors and the sports writers, as the outstanding professional football player in America; and

WHEREAS, Frank has recently been named to receive the Jim Thorpe Award, the Washington Touchdown Club Award, and the United Press Award as our most valuable and outstanding professional football player; and

WHEREAS, He has been awarded the B'nai B'rith Trophy and the Sports Broadcasters of America Award for being the outstanding professional athlete in America; and

WHEREAS, The admiration all Americans have for Frank is especially shared by his wife, Maxine, and his fine sons, Jeffrey and Kyle; and

WHEREAS, The community of Bakersfield will fittingly celebrate the sixteenth of January, 1957, as "Frank Gifford Day" and thereby display the pride that all California takes in claiming Frank as a native son; and

WHEREAS, It is fitting and proper that the Legislature join in the commendation of one of the finest additions to California's legion of champion athletes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature by this resolution congratulate Frank on his sterling performances, join in conferring upon him the many honors he has so rightly received, recognize the sixteenth of January as "Frank Gifford Day," and wish him every success in his further career; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward suitably engrossed copies of this resolution to Frank Newton Gifford, to his parents, and to the Trade Club of Bakersfield.

CHAPTER 32

Senate Concurrent Resolution No. 14—Relative to the California Rodeo to be held at Salinas, California.

[Filed with Secretary of State, January 18, 1957.]

WHEREAS, High courage and fine sportsmanship are among the finest of American traditions; and

WHEREAS, The development and love of fine horses are proud California heritages from the days of the Spanish dons; and

WHEREAS, All of these qualities are embodied in the rodeo, the only true American born sport; and

WHEREAS, The California Rodeo, to be held at Salinas July 19 to 22, symbolizes all that is best in the sport of rodeo; and

WHEREAS, The members of the board of directors of the California Rodeo serve throughout the year without compensation to keep these western traditions alive; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature do hereby commend the members of the board of directors of the California Rodeo for the great service which they render annually to the State of California and its people; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the members of the board of directors of the California Rodeo.

CHAPTER 33

Assembly Concurrent Resolution No. 11—Relative to the passing of Harley E. Knox.

[Filed with Secretary of State, January 21, 1957.]

WHEREAS, The Members of the Legislature have, with profound sorrow and deepest regret, learned of the sudden passing of the City of San Diego's beloved, revered and respected Mr. San Diego, the Honorable Harley E. Knox; and

WHEREAS, He was born January 26, 1899, in Memphis, Nebraska, and it was California's and San Diego's good fortune that he came to San Diego in 1912 where he was educated in the grade and high schools of that city; and

WHEREAS, This great man entered public life at a time when his leadership was needed the most, when his city was growing and expanding beyond all expectation; and

WHEREAS, He was elected mayor of his city for two four-year terms, declining to run for a third term, and was the first mayor to ever be elected in the primary election; and

WHEREAS, As mayor of his city, it was his far-seeing mind that conceived the idea of the San Diego Water Authority and resulted in the consummation of agreements that brought about the construction of the San Diego Aqueduct bringing Colorado River water to San Diego. This he considered his greatest achievement; and

WHEREAS, His accomplishments were many, and some of his more noteworthy projects included the Mission Bay Park Development, Montgomery Field as the city's secondary airport and joint use by the city and the Navy of the Navy's Miramar Air Base; and

WHEREAS, He was active in many civic affairs and held many offices other than mayor; he was President of the San Diego Council of the Navy League, Chairman of Chamber of Commerce's industrial development committee and at the time of his death was serving as vice chairman for military, public employees and education divisions of the United Success Drive; and

WHEREAS, Although he had been awarded many honors, including national and state awards, beribboned medals from the Governments of France and Spain and the San Diego Chamber of Commerce award of the title "Man of the Year," the award of which he said he was the proudest was the title of "Mr. San Diego," awarded to him in 1953 by the Grant Club; and

WHEREAS, He gave his energy and talents to the people of the State of California as a member of the California Fish and Game Commission of which he was chairman at the time of his death and rendered service which every sportsman in this State will appreciate for generations to come; and

WHEREAS, This man has been the living example of those famous words of Theodore Roosevelt, "I would rather wear out than rust out"; and

WHEREAS, Mr. Knox has been a close friend and neighbor to two of the Members of this Legislature, the Honorable Fred H. Kraft and the Honorable Frank Luckel; and a close friend of Assemblymen Jack Schrade, Sheridan Hegland and George G. Crawford; and

WHEREAS, It is proper that this Legislature as the representative of those people who have benefited from this man having lived should honor him; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring, That the Members of the Legislature desire to express their deep regret at the loss of so outstanding a citizen and adopt this resolution of testimony to his great contributions to his State, his city and his fellow men; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to his widow, Bessie Knox, to his three daughters, Mrs. Francis Harris, Mrs. Thomas Sefton and Mrs. Guy Moore, to his

mother Mrs. Ida Knox, and to his two sisters, Miss Dorothy J. Knox and Mrs. William Ehmcke, and to a brother, Vernon C. Knox.

CHAPTER 34

Assembly Concurrent Resolution No. 19—Relative to the California Rodeo to be held at Salinas, California.

[Filed with Secretary of State, January 21, 1957]

WHEREAS, High courage and fine sportsmanship are among the finest of American traditions; and

WHEREAS, The development and love of fine horses are proud California heritages from the days of the Spanish dons; and

WHEREAS, All of these qualities are embodied in the rodeo, the only true American-born sport; and

WHEREAS, The California Rodeo, to be held at Salinas July 11th to 14th, symbolizes all that is best in the sport of rodeo; and

WHEREAS, The members of the board of directors of the California Rodeo serve throughout the year without compensation to keep these western traditions alive; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby commend the members of the board of directors of the California Rodeo for the great service which they render annually to the State of California and its people; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the members of the board of directors of the California Rodeo.

CHAPTER 35

Assembly Concurrent Resolution No. 20—Relative to the untimely death of Frank Gibaldi.

[Filed with Secretary of State, January 21, 1957]

WHEREAS, It has come to the attention of the Legislature that on December 5, 1956, one of San Diego's foremost citizens, Mr. Frank Gibaldi, was killed as a result of an unfortunate automobile accident; and

WHEREAS, Only 42 years of age at the time of his death, Frank Gibaldi left a record of outstanding accomplishment in everything that he did; and

WHEREAS, Frank Gibaldi was a highly successful businessman as owner and operator of Frank's Bakery at 1469 University Avenue, San Diego; and

WHEREAS, Frank Gibaldi devoted much of his time to service of his fellow man; he was a former park commissioner and past president of the Sons of Italy; his notable service to his community is apparent from his recognized leadership of Italian-Americans; and, he was also an active member of the Sons of Columbus, the Fishmongers Club, the Famiglia Club, and the Italian-American Civic Association; and

WHEREAS, He was extremely active and well known in political circles and among his close friends and associates in the Legislature were Senator Fred H. Kraft and Assemblyman Frank Luckel; and

WHEREAS, The Legislature is deeply shocked at the untimely death of this young, energetic citizen and businessman; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby express their deep regret at the unexpected passing of Mr. Frank Gibaldi and do hereby express their sincere condolences to his surviving family; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit suitably prepared copies of this resolution to his wife, Mrs. Ida Gibaldi, his daughters, Mrs. Beatrice Asaro and Miss Marlene Gibaldi, and his son, Mr. Thomas Gibaldi.

CHAPTER 36

Assembly Concurrent Resolution No. 28—Relative to the death of Admiral Orin Gould Murfin.

[Filed with Secretary of State, January 21, 1957.]

WHEREAS, It was with profound sorrow that the Members of the Legislature of the State of California learned of the death, on October 22, 1956, at the age of 80 years, of a former commander-in-chief of the Asiatic Fleet, Admiral Orin Gould Murfin; and

WHEREAS, Admiral Murfin's exemplary career of devoted service in his Nation's first line of defense was in keeping with the highest traditions of the United States Navy; and

WHEREAS, A gallant officer, he wore the mantle of command with honor and distinction; and

WHEREAS, Admiral Murfin, under whose command our colleague Frank Luckel had the honor of serving, was a member of the Naval Academy class of 1897. He served as a passed midshipman in the Spanish-American War and later, as a lieutenant commander, commanded the cruiser Albany, the cruiser Concord, and the battleship West Virginia; and

WHEREAS, After promotion to flag rank, he commanded Train Squadron 1, Cruiser Division 2, and Battleship Division

3. His last sea command was as commander-in-chief of the Asiatic Fleet with the rank of admiral; and

WHEREAS, Admiral Murfin served as judge advocate general of the Navy from 1931 to 1934 and from June, 1936, to April, 1940, was commandant of the 14th Naval District which included Pearl Harbor; and

WHEREAS, For his services in World War I, during which he built, organized, and commanded mine bases in the north of Scotland, Admiral Murfin, then a commander, was awarded the Distinguished Service Medal by the Navy and the Companion of the Order of St. Michael and St. George by the British Government. He also held the Spanish War Medal, West Indian Campaign Medal, Mexican Campaign Medal, Panama Expeditionary Medal, and the Victory Medal; and

WHEREAS, On May 1, 1940, Admiral Murfin retired from the Navy and established his residence in Coronado, California. He was, however, ordered back to active duty in July, 1944, and served as the president of the Naval Court on Inquiry into the Japanese attack on Pearl Harbor; and

WHEREAS, To mourn his passing and receive the heartfelt sympathy of all, Admiral Murfin leaves his widow, Anna, of 805 Margarita Avenue, Coronado, and a daughter, Mrs. Donald Mitchell, of Honolulu; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California respectfully pay homage to the memory of Admiral Orin Gould Murfin, a distinguished American whose life was dedicated to the defense of his Nation, and do hereby extend their sincere condolences to his family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the widow and daughter of Admiral Orin Gould Murfin.

CHAPTER 37

Assembly Concurrent Resolution No. 29—Relative to the passing of Colonel Marlin Clack Martin.

[Filed with Secretary of State, January 21, 1957.]

WHEREAS, It is with the most profound regret that the Members of the Legislature do hereby mark the passing from this life, on November 3, 1956, of one of California's most distinguished citizens, Colonel Marlin C. Martin, U. S. A., retired; and

WHEREAS, Clack, as he was affectionately called by those who were close to him, was a veteran of both world wars and his reputation for being a great tactician was widespread throughout military circles; and

WHEREAS, Early in his military career, Colonel Martin's remarkable qualities as an extraordinary leader of men began

to assert themselves; he was thorough in his planning of operations, wise in his choice of policy for his command, highly respected and admired by both those above him and below him in rank, dedicated to the goal of qualifying individuals by instruction and training for readiness in combat, and possessed of a personality that inspired and induced his men to become efficient, qualified, and well-trained soldiers; and

WHEREAS, The saga of his life portrays a noted career of unselfish devotion to the service of country and fellow man; and

WHEREAS, He was a native of Arkansas, born on March 1, 1893; he graduated from Henderson Brown College in 1913 and was commissioned a second lieutenant of infantry in 1917; and

WHEREAS, Following his service in World War I, he was subsequently assigned in 1930 as adviser of the 184th Infantry, California National Guard, and for four years he performed his duties in a remarkable and exceptional manner; so much so that after he was transferred to a new assignment the mark of this highly popular officer was favorably imprinted on every man of the 184th, a fond impression that remains today in those who were associated with him at the time; and

WHEREAS, In 1939 Colonel Martin, then a major, graduated from Command and General Staff School; in June, 1941, then a lieutenant colonel, he was assigned to the General Staff Corps; and in December, 1941, he was promoted to colonel; and

WHEREAS, During World War II, Colonel Martin was Commanding Officer of the 379th Regiment, 95th Division, Chief of Staff of the 71st Division, and Chief of Staff of the 44th Division, which division distinguished itself in action against the enemy; and

WHEREAS, On October 31, 1945, after 28 years of outstanding and meritorious service, Colonel Martin was retired for disability in the line of duty; and

WHEREAS, Colonel Martin retired to La Jolla, California, where he became one of the community's most prominent and highly respected citizens; and

WHEREAS, He was a member of the board of directors of the California State Realty Board and the San Diego Realty Board; he also was a member of the Military Order of World Wars, La Jolla Chapter, and the Hollywood Masonic Lodge, F. & A. M. Lodge 355 of Hollywood; and

WHEREAS, We appropriately pay tribute to Colonel Marlin Clack Martin and note our deep regret at the loss of this renowned fellow citizen; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby express their sincere sorrow at the passing of Colonel Marlin Clack Martin, and do

hereby convey to his widow, Mrs. Jetta B. Martin, their deepest and most heartfelt condolences; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the bereaved members of the family, his wife, Mrs. Jetta B. Martin, his son, Lieutenant Colonel M. C. Martin, U. S. M. C., and his brothers, Melbourne M. Martin, Robert Martin, and Edward G. Martin.

CHAPTER 38

Assembly Concurrent Resolution No. 30—Relative to congratulating Cosimo Cutri on his appointment as Italian Vice Consul for the San Diego area.

[Filed with Secretary of State, January 21, 1957.]

WHEREAS, The Government of the Republic of Italy, in recognition of the large Italian-American population in San Diego, and the continued expansion of trade relations with that community, has bestowed on Cosimo Cutri the honor of becoming the first Italian Vice Consul for the San Diego area; and

WHEREAS, On the twelfth day of June, 1956, the oath of office was administered to Cosimo Cutri by the Honorable Massimo Casilli d'Aragona, Italian Consul of Los Angeles; and

WHEREAS, Cosimo Cutri has for 27 years been a prominent real estate and insurance executive, and has continually worked for the betterment of the people of San Diego by freely giving his time and effort to community activities and fraternal organizations; and

WHEREAS, His enormous capabilities as a community leader were recognized by his election and subsequent re-election to the presidency of the Garibaldi Lodge, Sons of Italy, and by his selection as a national deputy for that organization; and

WHEREAS, The career of this eminent and distinguished Californian exemplifies the attitude of all Italian-Americans in their devotion to the American way of life; and

WHEREAS, The Italian-Americans from the first settlers to the present have been industrious and forward-looking, creating and passing on a wealthy heritage of good citizenship which has greatly contributed not only to the growth and prosperity of San Diego, but also to the development of the State of California, and in turn to the well-being of the United States of America; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby extend its congratulations to Cosimo Cutri on his selection as Italian Vice Consul for the San Diego area, and its commendation to all Italian-Americans on the enormous contributions they have made to the enrichment of American culture and the development of American ideals; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Cosimo Cutri, and to the Garibaldi Lodge, Sons of Italy, San Diego.

CHAPTER 39

Assembly Concurrent Resolution No. 34—Relative to the passing of Paul H. Helms, Senior.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, It is with the most profound regret that we, the Members of the Legislature of the State of California, mark the passing from this life of Paul H. Helms, Senior, of Los Angeles; and

WHEREAS, We desire to pay particular homage to his memory for he was California's stanchest supporter of athletics, a noted philanthropist, civic leader, and business pioneer; and

WHEREAS, He was born September 19, 1889, in Ottawa, Kansas; was educated at Lafayette High School in Buffalo, New York; graduated from Syracuse University in 1912; was married to Pearl Ellis on June 10, 1914; and

WHEREAS, He rose in the baking industry through his own initiative and foresight from a route salesman to the presidency of a large firm and, after retiring from that position, started his own Helms Bakery in Los Angeles during the depths of the depression and developed it to the immense organization that it is today; and

WHEREAS, Being an athlete himself, he demonstrated and effectuated his love of sports in ways that have left an imperishable imprint on the world of sports; he founded the Helms Athletic Foundation and Helms Hall of Fame which have achieved world renown through the distribution of awards, preservation of sports records and relics, and the general support of athletics; he was an ardent and effective supporter of the Olympic Games, was instrumental in bringing the Games to Los Angeles in 1932, was a director of the United States Olympic Association; and

WHEREAS, Although he had received the highest national and international recognition and acclaim for his many endeavors in the interest of sports, it was demonstrative of his character and humility that he prided himself only on having furnished his own bread for all the Olympic Games since 1932; and

WHEREAS, He was one of the foremost civic leaders of the Southland; he served as director of the Airport Commission; Greater Los Angeles Plans, Incorporated; Los Angeles Area Building Funds, Incorporated; DeMille Foundation; and the Federal Reserve Bank of Los Angeles; he was Chairman of the Board of Directors of the Ford Foundation Adult Education

Fund; he attended the Republican National Conventions as a delegate and was a friend and host of President Eisenhower; and

WHEREAS, Although the civic, fraternal, charitable, sports, and business organizations and pursuits to which he lent his enlightened leadership and support, and the honors and distinctions he received therefor, are too numerous to be set forth herein, it is a matter of public knowledge that his passing leaves a great void in the leadership of his community and many of its finest public and private undertakings; and

WHEREAS, His passing has bereaved all Californians and athletes and others throughout the world who knew and loved him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature desire by this resolution to mark the loss of this leader and benefactor and to convey to the members of his family their most profound condolences; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit suitable copies of this resolution to the members of the family of Paul H. Helms, Senior.

CHAPTER 40

Assembly Concurrent Resolution No. 35—Congratulating the University of California Citrus Experiment Station on its fiftieth anniversary.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, The University of California established the Citrus Experiment Station in Riverside on February 14, 1907, and has developed it into one of the world's foremost centers of research in subtropical horticulture, conducting experiments on nearly every crop grown in Southern California; and

WHEREAS, During the ensuing 50 years the station has exerted a tremendous influence on the economy of the State, steadily increasing the efficiency of California agriculture, especially the citrus, walnut and avocado industries, by improving methods of disease and pest control, irrigation and fertilization; and

WHEREAS, Its development of a technique for reclaiming black-alkali soil has turned thousands of barren acres in the San Joaquin Valley into rich productive farm land; and

WHEREAS, The station's coordination of its research staff of 250 highly trained specialists has enabled it to quickly and successfully cope with many agricultural emergencies such as invasions of insects and other pests, and outbreaks of new and insidious plant diseases; and

WHEREAS, Operation of the station has resulted in savings to the agricultural industry of the State conservatively esti-

mated at over twenty-five million dollars ($25,000,000) annually; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their congratulations to the University of California Citrus Experiment Station at Riverside on its fiftieth anniversary, and commend it for its notable achievements and inestimable contributions to the wealth and prosperity of both the State and the Nation; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit illuminated copies of this resolution to Robert Gordon Sproul, President of the University of California; Robert M. Underhill, Secretary of the Board of Regents; Herman Spieth, Provost of the Citrus Experiment Station at Riverside; Alfred M. Boyce, Director of the Citrus Experiment Station; Harry Wellman, Vice President of Agriculture Sciences; and Claude B. Hutchison, Mayor of Berkeley and former Vice President of Agriculture Sciences.

CHAPTER 41

Assembly Concurrent Resolution No. 36—Relative to the death of Esto Bates Broughton.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, It was with deep sorrow that the Members of this Legislature learned of the passing of Esto Bates Broughton of Modesto on November 20, 1956; and

WHEREAS, Miss Broughton, who was elected Assemblywoman from the Forty-sixth District in 1918, was one of the first women to be elected to the California Legislature and served for four consecutive terms; and

WHEREAS, She is remembered for her part in securing passage of the vital Broughton-Bennett bill on the use of hydroelectric power, allowing irrigation districts to develop such power in connection with irrigation projects; and

WHEREAS, Following her years of service in the Legislature, Miss Broughton acted as publicity director for the Pasadena Playhouse; and

WHEREAS, At other times in her life she attended Columbia University, taught at the University of Hawaii, worked as a newspaperwoman in San Francisco, and operated a public relations firm in Sacramento; and

WHEREAS, Throughout her colorful career she made numerous friends in all walks of life who will remember her as a woman of great abilities and strength of character; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Members of this Legislature hereby express their grief at the passing of Esto Bates

Broughton, and extend to her family and friends their most sincere sympathies; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitable copies of this resolution to her adopted son, Jack Broughton of Modesto, and to her brother, Lieutenant Colonel Richard Burbeck of Travis Air Force Base.

CHAPTER 42

Assembly Concurrent Resolution No. 38—Relative to congratulating J. Burnett Haralson.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, The Bakersfield Chamber of Commerce has paid homage to J. Burnett Haralson by granting him its annual Headliner Award; and

WHEREAS, California is proud to claim as a native son a man who continuously has set an example of unselfish devotion to the welfare of his community; and

WHEREAS, J. Burnett Haralson typifies the American tradition of good sportsmanship and has fostered and encouraged the growth of this tradition in every youth who has come within the orbit of his influence; and

WHEREAS, J. Burnett Haralson was born in the City of Covina, attended Covina High School, and completed his formal education by graduating from the University of California, Los Angeles, in 1924; and

WHEREAS, He began serving the community of Bakersfield in 1924 when he accepted the position of physical education instructor and assistant coach in football and track at Bakersfield High School. His unique abilities quickly became known and in 1926 he became the head track coach. It was under his able direction and leadership that Bakersfield High School produced three state championship squads and many valley and Fresno relay championships; and

WHEREAS, In 1946 he became the supervisor of health, physical education and recreation for the Kern County Union High School District which is composed of eight high schools and one junior college; and

WHEREAS, J. Burnett Haralson has actively participated in the California Association for Health, Physical Education and Recreation and has served as Kern County unit president for this organization; and

WHEREAS, He is the President of the Central California Association of the Amateur Athletic Union of the United States and spearheaded the drive to bring the Amateur Athletic Union outdoor track and field championship event to Bakersfield in 1956 by his endeavors at the Amateur Athletic Union conventions in Miami in 1954 and Louisville in 1955; and

WHEREAS, He is the Director of the California Workshop for Coaches and Physical Education Instructors which is held

each summer at the California Polytechnic College, San Luis Obispo; and

WHEREAS, In 1955 and 1956 J. Burnett Haralson served as the Chairman of the Central California Amateur Athletic Union junior Olympic track and field program, which has produced more national junior Olympic champions than any other amateur athletic union association in the United States; and

WHEREAS, This unselfish man has given freely of his time and effort in the interest of youth and recreation work in Kern County, assisting in all programs involving participation in sports; now, therefore, be it

Resolved by the Members of the Assembly, the Senate thereof concurring, That the Legislature express to J. Burnett Haralson the gratitude of the people of California for the splendid work which he has done and is continuing to do with the youth of this State and extend its heartfelt congratulations to him on receiving the Headliner Award; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit suitable copies of this resolution to J. Burnett Haralson and the Kern County Union High School District.

CHAPTER 43

Assembly Concurrent Resolution No. 40—Relative to honoring the Public Health League of California and Mr. Ben H. Read, executive secretary.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, A quarter of a century ago an alert group of civic minded physicians of the California Medical Association gathered together to form the Public Health League of California "organized to protect the public health by the preservation of ethical medical, dentistry and allied health services"; and

WHEREAS, Shortly after the formation of the league, its membership was enlarged and strengthened by embracing dentistry, pharmacy, hospitals and dispensing opticians; and

WHEREAS, Interest in legislative matters became an early function of the Public Health League to the end that high standards of medical care for the protection of the public could be presented and supported in the California Legislature; and

WHEREAS, During these entire 25 years the Public Health League has been represented with the dignity and respect to which these honored professions are entitled by Mr. Ben H. Read, its executive secretary; and

WHEREAS, Mr. Read is also celebrating 25 years of continuous activity as a legislative observer, during which time his fine dedication to the high principles of the professions he

represented has won for him and the Public Health League the confidence and esteem of the members of the California Legislature; and

WHEREAS, The silver anniversary of the Public Health League of California will be commemorated with proper ceremonies in San Francisco on February 1, 1957, and in Los Angeles on February 6, 1957; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby extend to the Public Health League of California, its officers and its members, and to Mr. Ben H. Read, sincerest congratulations on their combined twenty-fifth anniversaries; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably engraved copies of this resolution to the Public Health League and to Mr. Ben H. Read.

CHAPTER 44

Assembly Concurrent Resolution No. 41—Relative to the Mormon Battalion.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, There has been a fitting memorial completed on Fort Moore Hill in the Los Angeles Civic Center to honor the memory of the soldiers and pioneers who played a key role in the early history of this State; and

WHEREAS, The original Fort Moore was constructed in 1847 by members of the famous Mormon Battalion who came to California and arrived in Los Angeles at a critical period of history following a record march on foot from Council Bluffs, Iowa; and

WHEREAS, This battalion's march played a key role in opening up adequate wagon trails to and from California; and

WHEREAS, Some of this battalion's accomplishments include demonstrating the feasibility of a railroad right of way into California from Arizona and New Mexico, pioneering a wagon road through Cajon Pass northeast to Salt Lake City and pioneering a wagon road ascent up the western slopes of the Sierra from Sutter's Mill westward to the Salt Lake Valley; and

WHEREAS, With the battalion when it marched into California came the first Mayor of Los Angeles, a future Governor of California, and men whose labors would divert a millrace at Sutter's Mill and lead to the discovery of gold; and

WHEREAS, The battalion's arrival in California secured the weakly held garrison at Los Angeles and forever assured that the American Flag had come to the pueblo to stay; and

WHEREAS, There has been placed atop Fort Moore a pylon and flagpole to honor the Mormon Battalion for erecting the

first flagpole over Fort Moore and conducting the first Fourth of July observance at that place; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature acknowledge the key role this brave battalion played in bringing the American Flag to California and hastening the westward march of civilization, and hereby extend congratulations to the Church of Jesus Christ of Latter-day Saints, the Daughters of the Utah Pioneers and its national president, Kate B. Carter; the Sons of the Utah Pioneers and its national president, Horace Sorenson; and all others who have helped make this memorial possible; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit suitable copies of this resolution to the Church of Jesus Christ of Latter-day Saints, to Kate B. Carter, and to Horace Sorenson.

CHAPTER 45

Assembly Concurrent Resolution No. 43—Relative to memorializing Admiral Thomas Washington.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, On December 15, 1954, one of California's most distinguished and esteemed citizens, Admiral Thomas Washington, United States Navy, Retired, passed away at Bethesda Naval Hospital, and was buried with honors in Arlington National Cemetery; and

WHEREAS, It is only fitting that the Legislature pay homage to this gallant and patriotic officer who for nearly half a century served his Country both well and faithfully in times of peace and war; and

WHEREAS, Thomas Washington, born on June 6, 1865, entered upon his chosen career following graduation from the United States Naval Academy in 1887 and rose through the commissioned ranks to achieve well-deserved recognition for his exceptionally meritorious and devoted service to his Country; and

WHEREAS, During World War I he demonstrated his courageous leadership and outstanding ability in his command of the battleship Florida, for which he received the Distinguished Service Medal; and

WHEREAS, He was appointed in 1922 as Chief of the Bureau of Navigation in Washington, later served as Commander in Chief of the Asiatic Fleet, and climaxed his long and illustrious career as Commandant of the Twelfth Naval District in San Francisco; and

WHEREAS, Following his retirement from the Navy in 1929 he took on new duties and responsibilities as Governor of the Naval Home in Philadelphia from 1931 to 1937 before returning once again to his home state of California; and

WHEREAS, Throughout his lifetime his kindness and consideration of others, his loyalty and generosity, and his unselfish devotion to the welfare of his fellow officers and men endeared him to all who served with him and won him countless friends and admirers in other walks of life; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby pay tribute to the memory of Thomas Washington, an honorable and distinguished American and the beloved dean and patriarch of all senior retired flag officers of the United States Navy; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to his two sons, Commander Thomas Washington, Jr., of Arlington, Virginia, and John C. Washington of San Diego, who with his wife, Alice, is a close neighbor of Senator Fred H. Kraft and Assemblyman Frank Luckel.

CHAPTER 46

Assembly Concurrent Resolution No. 44—Relative to the passing of Julius H. Rainwater.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, The Members of the Legislature have received with the deepest regret the news of the passing of Julius H. Rainwater on June 15, 1956; and

WHEREAS, Julius H. Rainwater has had a long and distinguished career as a public servant to the people of the County of San Diego and to the people of the United States; and

WHEREAS, As a result of his enthusiasm and prodigious capacity and capability to work, he rose to be the Director of the San Diego County Welfare Department where he gave his services unstintingly for 14 years, retiring in 1952; and

WHEREAS, During World War II, by this same unselfish devotion to duty, he rose to the rank of lieutenant colonel of the United States Army where he served his Country with honor and distinction, part of which service was with Allied Military Government in Germany; and

WHEREAS, His other services to people of San Diego included serving as Executive Secretary of the San Diego Community Chest and as President of the Pacific Coast Conference of Chest Executives; and

WHEREAS, The loss of Julius H. Rainwater is keenly felt by his countless friends in San Diego and in the State of California; and

WHEREAS, The State of California realizes, as do the business, fraternal and social associates of Julius H. Rainwater, that we have been deprived of a man of exceptional ability, integrity and generosity; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby extend their deepest sympathy to the bereaved members of his family and to express their deepest regret at the loss of so able a public servant; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to his widow, Florence Rainwater, to his two daughters, Mrs. Douglas A. Westmorland and Miss Genevieve Rainwater, and to his son, F. R. Rainwater.

CHAPTER 47

Assembly Concurrent Resolution No. 45—Relative to congratulating Mrs. Harry Joseph Ragen, Sr., upon being chosen California Mother of the Year for 1956.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, Deep in each person's heart is formed his first bond of affection to another, his mother, and each is secure in the knowledge that this bond of affection, strengthened with reverence and respect, is a God-given gift of lifelong duration; and

WHEREAS, The relationship of mother and child is the closest personal relationship experienced by mankind, and the health, happiness and successful future of the child can be measured by the love, devotion, care, and training given by the mother and by the good example set by her in her daily life; and

WHEREAS, The role of the American mother is of far-reaching significance because upon her is placed the primary responsibility for the family, and the welfare of America is dependent upon the nurturing and development of this basic social unit; and

WHEREAS, The ultimate standard for judging the ability of a mother in her primary field of endeavor is the character and achievements of her children, for it is the mother who molds the character and lays the foundation for the future achievements of her children in accordance with the degree of her courage, moral strength, patience, affection, kindliness, understanding, and homemaking ability; and

WHEREAS, For the purpose of giving public recognition to the outstandingly successful mothers of California, the State Mother of the Year Committee was formed in recent years to choose annually the California Mother of the Year; and

WHEREAS, For the year 1956, the State Mother of the Year Committee has selected Mrs. Harry Ragen, Sr., as California Mother of the Year for 1956; and

WHEREAS, Mrs. Ragen is the mother of five children and believes that being friends with her children is the most important factor in being a good mother and that showing love

for children and keeping the family closely knit is valuable work for a mother; and

WHEREAS, Each of her children has an advanced college degree and is outstanding in professional and personal life; and

WHEREAS, Her children are Dr. Katherine Ragen, chairman of the history department of San Diego State College; Dr. Frank Ragen, Chula Vista physician; Harry J. Ragen, Jr., San Diego attorney; Alice Ragen, caseworker with the San Diego Welfare Department; and Mrs. William Pierce Love, of San Diego, formerly in charge of the Civil Service Office of San Diego and Imperial Counties; and

WHEREAS, Mrs. Ragen, in addition to guiding her own children, has influenced other children in leading better lives and seeking high professional positions; and

WHEREAS, Mrs. Ragen was born in Benton Harbor, Michigan, lived most of her life in Oskaloosa, Iowa, and came to San Diego in 1942; and

WHEREAS, She was graduated from Penn College, Iowa, and taught school five years before her marriage; and

WHEREAS, When she was widowed, nearly 20 years ago, she aided and encouraged her children to complete their studies; and

WHEREAS, The award was announced by Mrs. Ralph S. Russell, Chairman of the Mother of the Year Selection Committee, which represents nine of the State's largest women's organizations; and

WHEREAS, In making the award, Mrs. Russell said that Mrs. Ragen was chosen because of "the outstanding family she has raised and her apparent understanding of material, moral, and spiritual values in relation to her family, community, and state"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature join in extending to Mrs. Harry Joseph Ragen, Sr., their most warm and sincere congratulations for her outstanding achievements as a successful mother and upon her selection as California State Mother of the Year for 1956; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably prepared copies of this resolution to Mrs. Harry Joseph Ragen, Sr., 2920 Rosecrans Boulevard, San Diego, and to her children, Dr. Katherine Ragen of San Diego, Dr. Frank Ragen of Chula Vista, Mr. Harry J. Ragen, Jr., of San Diego, Miss Alice Ragen of San Diego, and Mrs. William Pierce Love of San Diego.

CHAPTER 48

Assembly Concurrent Resolution No. 47—Relative to the death of Walter Feeley.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, The Members of this Legislature have learned with deep regret of the death of a friend and former colleague Walter Feeley who as an Assemblyman so capably represented the people of Alameda County from 1929 to 1932; and

WHEREAS, He set an example of unselfish devotion and dedication to the welfare of his community and during his association with this Legislature he achieved a well-deserved reputation as one of the most able and respected men in public service; and

WHEREAS, His departure from this life leaves a void in the hearts of his family and his numerous acquaintances which can never be filled; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby express their regret at the passing of Walter Feeley and convey by this resolution their most sincere sympathy to the bereaved members of his family; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a suitable copy of this resolution to Mrs. Wilhelmina Feeley.

CHAPTER 49

Assembly Concurrent Resolution No. 48—Relative to commending "Filipino Community of Salinas Valley, Inc." on the establishment of a community center.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, It has recently come to the attention of the Legislature that certain citizens of the Salinas Valley through their organization "Filipino Community of Salinas Valley, Inc." have established a community center to act as a centralized meeting place in that area; and

WHEREAS, This center is one of the first of its kind to be established in California and will be an inspirational model for other community projects of a similar nature; and

WHEREAS, This meritorious achievement was attained only after years of careful planning and devoted self-sacrifice of those interested in this worthy project; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the "Filipino Community of Salinas Valley, Inc." be commended on the establishment of its new community center; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr.

Benny Espejo, Battaan Inn, Soledad Street, Salinas, California.

CHAPTER 50

Assembly Concurrent Resolution No. 49—Relative to congratulating Mr. Matsunosuke Tsukamoto.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, The Members of the Legislature of the State of California were sincerely pleased and gratified to learn that on the fourth day of January, Mr. Matsunosuke Tsukamoto of San Francisco celebrated his 100th birthday; and

WHEREAS, Mr. Tsukamoto, whose life has bridged all the years of relations, good and bad, between his native and his adopted homeland, in 1888 came to San Francisco to find work at which he could be his own boss; and

WHEREAS, His efforts led to the establishment, in 1920, of the Peoples Laundry and to his recognition as one of the hardest workers for the welfare of San Francisco's Japanese community; and

WHEREAS, Mr. Tsukamoto is to be most heartily congratulated not only upon his long life and many contributions to his community, but also, with his wife, Mitsu, upon a fine family. Their eldest son, Kaytaro, 63, is a veteran of World War I and now operates the family laundry. Another son, the Rev. Joseph Tsukamoto, is pastor of the Christ Episcopal Mission. They have one daughter, Mrs. Mine Kawamura, and a third son, George; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby extend to Mr. Matsunosuke Tsukamoto their heartiest congratulations not only upon his 100th birthday but also, and more particularly, for his contributions during the years to his community, State, and Nation; and be it further

Resolved, That the Members of the Legislature express to Mr. Tsukamoto best wishes for yet many years to come; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit a suitable copy of this resolution to Mr. Matsunosuke Tsukamoto.

CHAPTER 51

Assembly Concurrent Resolution No. 50—Relative to the Chinese New Year.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, The Members of the Legislature of the State of California take great pleasure in hereby extending to their

fellow Californians of Chinese ancestry heartiest congratulations and best wishes with regard to the coming celebration of the Chinese New Year; and

WHEREAS, The year 4455, known as the "Year of the Rooster," will commence at midnight on the thirtieth day of January and will be celebrated through the third day of February; and

WHEREAS, It is the sincere wish of each and every Member of the California Legislature that the "Year of the Rooster" will be a fruitful one for the good citizens of this State of Chinese descent, a year blessed with happiness and joy for each of them; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do express to all Californians of Chinese ancestry congratulations and best wishes with regard to the coming celebration of the Chinese New Year; and be it further

Resolved, That the Chief Clerk be directed to transmit suitably prepared copies of this resolution to the Chinese Chamber of Commerce, the Chinese Six Companies, the San Francisco and Los Angeles Lodges of the Chinese-American Citizens Alliance, the Cathay Post of the American Legion, and the Chinatown Post No. 4618 of the Veterans of Foreign Wars.

CHAPTER 52

Assembly Concurrent Resolution No. 51—Relative to the death of Father Peter M. Dunne.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, The news of the very recent death on January 15, 1957, of Father Peter Masten Dunne, S.J., University of San Francisco, has reached the Legislature and the Members thereof are deeply shocked at the loss of this great educator; and

WHEREAS, Father Dunne was a native Californian, born in San Jose 67 years ago, and after his graduation from Santa Clara University he entered the Jesuit Order at Los Gatos on July 20, 1906; and

WHEREAS, He completed his theological studies in Hastings, England, and was ordained on August 24, 1921; and

WHEREAS, After teaching at the Jesuit Seminary at Los Gatos for five years, he joined the faculty at the University of San Francisco in 1931; and

WHEREAS, Father Dunne proved himself to be an outstanding historian as, in addition to being the chairman of the history department at USF for many years, he wrote 10 books on South American history and Jesuit colonial activities in the New World, and just last year he was president of

the Pacific Coast Branch of the American Historical Association; and

WHEREAS, In addition to his many other notable accomplishments, Father Dunne received his doctor of philosophy degree from the University of California in 1934 and in 1956 the University of San Francisco conferred upon him the honorary doctor of laws degree; and

WHEREAS, Last July, Father Dunne was highly honored as he celebrated his Golden Jubilee Mass at St. Ignatius Church on the university campus; and

WHEREAS, This exceptional theologian and historian leaves behind to mourn his passing and receive the heartfelt sympathy of all, his sisters, Sister Agnes Marie of Sisters of Holy Names at Los Gatos, Mrs. Roy A. Silent of Los Angeles, Mrs. Dunne Richmond of San Jose, Mrs. Willis A. Herdman, Jr., of Pacific Palisades, and Mrs. Duncan F. Buchanan of San Mateo; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby extend their most sincere condolences to the family of Father Peter Masten Dunne and pray that God will comfort them in their hour of need; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of their resolution to the bereaved family of Father Dunne and to the President of the University of San Francisco.

CHAPTER 53

Assembly Concurrent Resolution No. 53—Approving six certain amendments to the charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the eighth day of May, 1956.

[Filed with Secretary of State, January 22, 1957]

City of San Jose Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, as set out in the certificate of the mayor and of the city clerk of said city, as follows, to wit:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss.
CITY OF SAN JOSE

Certificate

We, the undersigned, Robert C. Doerr, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City

Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants; and has been ever since the first day of July, 1915, and is now, a city organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 12th day of May, 1915 (Senate Concurrent Resolution No. 21, Chapter 49, Statutes 1915, p. 1869).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose certain proposals for the amendment of the Charter of said City to be voted upon by the said qualified electors at a certain general municipal election held in said City on the eighth day of May, 1956, all as required by law, which said proposals were designated as "Charter Amendment Proposition C", "Charter Amendment Proposition D", "Charter Amendment Proposition E", "Charter Amendment Proposition G", "Charter Amendment Proposition H", "Charter Amendment Proposition I", respectively.

That the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the twenty-first day of March, 1956 in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendments were printed in convenient pamphlet form, in type of not less than ten-point, and were mailed to each of the qualified electors of said City in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of San Jose was published in said "San Jose News" and the "San Jose Mercury", both being daily newspapers of general circulation published, printed and circulated in said City, on the twenty-eighth day of March, 1956, and on each day thereafter to and including the eighth day of May, 1956, all as required by Section 8 of Article XI of the Constitution of the State of California; that copies of said pamphlet containing said proposed charter amendments could be had

upon application therefor at the office of the City Clerk of said City on and after the twenty-eighth day of March, 1956, to and including the eighth day of May, 1956, the date fixed for said election.

That such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election duly and regularly held in said City of San Jose on the eighth day of May, 1956, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above-mentioned official paper of the proposed charter amendments aforesaid.

That in accordance with the law in such cases made and provided, the Council of the City of San Jose, on the fifteenth day of May, 1956, at a meeting duly and regularly held at its usual place of meeting, duly canvassed the returns of said election as certified by the election boards, and duly found, determined and declared that each of said proposed amendments to the Charter of the City of San Jose, hereinafter set forth, was ratified and adopted by a majority of the electors of said City voting thereon.

That the said amendments to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, are in words and figures as follows, to wit:

CHARTER AMENDMENT PROPOSITION C

That section 89 of Article XII of the Charter of the City of San Jose be amended to read as follows, to wit:

Public works contracts.

"89. All public buildings and works, when the expenditure therefor shall exceed one thousand dollars ($1,000.00), shall be done by contract and shall be let to the lowest responsible bidder, after advertising for five consecutive days in a daily newspaper of general circulation published in the city, for sealed proposals for the work contemplated. Provided, that the council may reject any and all bids, if deemed excessive and readvertise for bids or provide for the work to be done by the department of public works, when such procedure does not conflict with the general laws of the State.

"All contracts shall be approved as to form by the city attorney, and shall be signed by the president of the council and city manager, and attested by the city clerk. No contract is valid, except in the case where the work is to be paid for by special assessment, unless the city auditor shall endorse thereon his certificate that there remains an unexpended balance of an appropriation or proceeds of a bond issue applicable thereto."

CHARTER AMENDMENT PROPOSITION D

That Section 91 of Article XII of the Charter of the City of San Jose be amended to read as follows, to wit:

Progressive payments

"91. Any contract may provide for progressive payments if the ordinance or resolution authorizing or ordering the work

so prescribes, but no progressive payments can be provided for or made at any time which, with prior payments, shall exceed in amount at that time ninety per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the head of the department and city manager."

CHARTER AMENDMENT PROPOSITION E

That Section 96, of Article XIV of the Charter of the City of San Jose be amended to read as follows, to wit:

"96. The parks and reservations of the city shall be inalienable unless otherwise authorized by majority vote of the people; provided, however, that the same or any interest therein, or any concessions or privileges therein or in the buildings erected by the city thereon may be leased by the City Council as provided in section 2 of this charter for a period of not more than three years without submitting the matter to the people. Parks and reservations

"A lease as provided in section 2 of this charter may be made of such portion of Alum Rock reservation as will not interfere with the free employment of the said reservation by the public, for a period of not more than twenty years, provided that within one year the lessee erects thereon a hotel building to cost not less than fifty thousand dollars, the plans for, and location of which have been approved by the city planning commission, and by the people at a general or special municipal election."

CHARTER AMENDMENT PROPOSITION G

That Section 106 of Article XVI of the Charter of the City of San Jose be amended to read as follows, to wit:

"106. The Commission shall, insofar as practicable and consistent with the best interests of the service, provide for filling of vacancies in the classified service by promotion. Eligibility of qualified candidates for promotion shall be determined by the Commission on the basis of competitive examination. Such examination, at the discretion of the Commission, may be wholly written, or it may be partially written and partially practical or oral, or it may be partially written and partially practical and oral; provided, however, that the written portion of the examination shall be accorded a minimum weight of fifty per cent (50%) of the total weight of the competitive examination. The Commission shall also provide for additional credits for efficiency and seniority to candidates receiving a passing grade in the competitive examination." Classified service Vacancies

CHARTER AMENDMENT PROPOSITION H

That Section 120 of Article XVIII of the Charter of the City of San Jose be amended to read as follows, to wit:

Public library, etc.

"120. The public library of the city of San Jose, which shall be forever free to the inhabitants and non-resident taxpayers of the city, and such art galleries or similar institutions as may be from time to time established shall be managed and controlled by the board of library trustees, as constituted at the time of the adoption of this charter and their successors to be appointed by the city manager for a term of four years as the terms of such trustees expire. They shall serve without compensation."

CHARTER AMENDMENT PROPOSITION I

That Section 136 of Article XX of the Charter of the City of San Jose be amended to read as follows, to wit:

City property

"136. Unless otherwise provided in this charter, the rights and titles of the city in and to its streets and the land thereunder, its parks, public buildings, water front properties, and all other public places and real property are hereby continued in the city. Except as otherwise provided in this charter, the rights and titles of the city in and to its streets and the land thereunder, its parks, and its water front properties are declared to be inalienable, except by a majority vote of the people. No franchise or right to use the streets, waters, or any part of, or lands under said streets or waters shall be granted without reserving to the city the power and right of eminent domain."

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 11th day of January, 1957.

ROBERT C. DOERR
(SEAL) Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of altera-

tion in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Jose as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said City of San Jose. Approval

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CHAPTER 54

Assembly Concurrent Resolution No. 58—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a municipal election held therein November 6, 1956.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Long Beach Charter amendments

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A MUNICIPAL ELECTION HELD THEREIN NOVEMBER 6TH, 1956, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF LONG BEACH.

We, George M. Vermillion, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows: Certificate

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the

State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach eight amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 6th day of November, 1956; and

That said eight proposed amendments to be so submitted November 6, 1956, were designated as Propositions AA, BB, CC, DD, EE, FF, GG, and HH, and were duly published the 18th day of September, 1956, in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No C-3590, order the holding of said municipal election in said City of Long Beach on November 6, 1956, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: October 24, 1956, October 25, 1956 and October 26, 1956; and

That said municipal election was held in said City of Long Beach on November 6, 1956, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 11th day of December, 1956, duly declare the results of said municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified seven of said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION AA

That the Charter of the City of Long Beach be amended by repealing Section 260.8 thereof and: Repeal

1. By amending paragraph 3 of subdivision (c) of Section 229x to read as follows:

3. At least once each calendar month, and so long as the balance in the Harbor Reserve Fund shall not exceed the sum of fifteen million dollars, there shall be transferred from the Harbor Revenue Fund to the Harbor Reserve Fund, which latter fund has been heretofore created and established and is hereby continued, thirty per centum of the gross amount of all money received by the City and required by this Charter to be paid into said Harbor Revenue Fund from the development of oil, gas and other hydrocarbon substances from beneath tidelands and submerged lands. Whenever, and so long as the balance in said fund shall equal the sum of fifteen million dollars, no further transfers thereto shall be made until the balance therein shall be less than said sum. Said Harbor Reserve Fund shall be a continuing fund and not subject to transfer at the close of the fiscal year. The money thus transferred shall, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking fund, or any surplus moneys in the treasury, of cities in the State. The interest, earnings, income and/or profits from the investment of said money shall likewise be paid into said Harbor Reserve Fund and may likewise be invested in the same manner as the money transferred as aforesaid. Oil and gas revenues Transfer to Harbor Reserve Fund

Money in said fund may be expended therefrom by the Board of Harbor Commissioners, whether or not such expenditures shall have been provided for in the official budget of said Board, for any purpose for which money in the Harbor Revenue Fund may lawfully be used if approved by a vote of a majority of all members of said Board and by the City Council by an affirmative vote of not less than two-thirds of all of the members thereof. Should the balance in said fund on the effective date of this amendment exceed the sum of fifteen million dollars, any excess thereof shall be transferred and credited to the Harbor Revenue Fund.

2. By adding subdivision (5) to Section 229d to read:

Required payments to State

(5) To pay to the State of California such amounts thereof, whether or not included in the official budget, as shall be required by reason of the enactment by the legislature of Chapter 915 of the Statutes of 1951, or as may be lawfully required by subsequently enacted legislation, as such legislation is, has been and may hereafter be construed by the courts having jurisdiction thereof.

3. By amending subdivisions (a), (b), (c) and (d) of Section 260.6 to read, respectively:

Tideland Oil Fund

(a) Any and all money derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath all tidelands and submerged lands specified and described in those certain grants from the State of California to the City of Long Beach, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794, except from beneath such of said lands as are located within the Harbor District of the City of Long Beach as said district was bounded and described on May 1, 1946, shall be paid into the Tideland Oil Fund. Money placed in the Tideland Oil Fund shall be used exclusively for the following purposes:

1. Paying all reasonable and necessary expenses incident to the production, processing, sale or other disposal of the above-mentioned oil, gas or other hydrocarbon substances;

2. Paying to the State of California such amounts thereof, whether or not included in the official budget, as shall be required by reason of the enactment by the legislature of Chapter 915 of the Statutes of 1951, or as may be lawfully required by subsequently enacted legislation, as such legislation is, has been and may hereafter be construed by the courts having jurisdiction thereof;

3. Establishing, constructing, maintaining and improving public parks, parkways, highways, and playgrounds on tide and submerged lands; also the construction, maintenance and operation of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation;

provided, however, such money may not be used or expended for any purpose in violation of the provisions of the aforesaid grants from the State.

(b) Money remaining in the Tideland Oil Fund, after payment of necessary expenses incident to production of oil, gas or other hydrocarbon substances and to the State of any portion thereof due it all as provided in paragraphs 1 and 2 of subdivision (a) above, shall not be used for any of the other aforesaid purposes unless, prior thereto, a majority of those voting thereon vote in favor of a proposition, for each such use, submitted by the City Council at any City election wherein all City electors are entitled to vote. Such money,

however, may be used without such prior approval of the electors, and without the necessity of a provision therefor in the official budget of the City, for the payment of costs and expenses for land subsidence remedial or beach erosion work, or to meet a public emergency caused by war, fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, if the City Council, by not less than an affirmative vote of two-thirds of all of the members thereof, declares the need for such land subsidence remedial or beach erosion work or declares the existence of such public emergency.

(c) The sum of two hundred fifty thousand dollars of the money remaining in said Tideland Oil Fund, after payment of necessary expenses and of the State's portion both as hereinabove provided, may be used each fiscal year for any purpose not in violation of said grants from the State, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use. If any or all of said sum of two hundred fifty thousand dollars is not used within a fiscal year, the unused amount shall accumulate and shall likewise be available for such use in any succeeding fiscal year.

(d) The sum of five hundred thousand dollars out of any portion of the money remaining in the Tideland Oil Fund, after payment of necessary expenses and of the State's portion thereof, both as hereinabove provided, may be used each fiscal year for the maintenance and operation of improvements constructed upon said tidelands and submerged lands in this section referred to and for the maintenance of said lands, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use.

4. By adding a new section 260.9, to read:

Payments required by People vs Long Beach

Sec. 260.9. In order to comply with any judgment which may be entered in the case entitled People vs. Long Beach, being file No. 649466 in the Superior Court of the State of California in and for the County of Los Angeles, payment of the amount of money and transfer of securities from the various funds of the City required to comply therewith is hereby authorized, approved and ratified. Certain funds holding certain types of securities may be required to advance a larger portion of the securities necessary to satisfy any such judgment than such funds should ultimately bear, and, in such event, the City Council is authorized to require by resolution, as soon as practicable after payment of any such judgment, the transfer of money and securities between such funds in order to retain in each of such funds the same balance which would have remained therein after such payment had the funds contained only cash instead of cash and securities.

PROPOSITION BB

That the Charter of the City of Long Beach be amended as follows:

(1) By adding a new subdivision to Section 229x thereof, to be known and designated as (g) to read as follows:

Extension of oil and gas leases, etc

(g) Notwithstanding the competitive bidding requirement contained in subdivision (f) of this section, or the limitation as to term contained in subparagraph (aa) of paragraph (3) of subdivision (b) of this section, the Board of Harbor Commissioners may, by negotiation, and pursuant to the terms, conditions and limitations thereby agreed to, extend the term of any lease, contract or other agreement entered into prior to the effective date of said subdivision (f) concerning the lands referred to in subdivision (a) of this section, other than tidelands and submerged lands granted to the City by the State of California. Any such extension of term, including the existing unexpired term of any such lease, contract or other agreement, shall not exceed twenty-five years. Before any such extension agreement shall be valid or become effective for any purpose, a copy thereof shall be transmitted to the City Clerk, who shall present such agreement to the City Council not later than said City Council's next regular meeting; nor shall any such agreement be valid or become effective for any purpose if at any time within thirty days from the date of such presentation to it, the City Council shall, by a majority vote of all the members thereof, disapprove such agreement.

The power of extension hereby conferred is in addition to all other powers possessed by said Board with respect to any lease, contract or other agreement heretofore entered into concerning the lands referred to in subdivision (a) of this section, and this subdivision is not intended, nor should it be construed as divesting or in any manner diminishing any power which the Board now has, with respect to matters not involving an extension of term, to amend or modify any such lease, contract or other agreement for the remainder of the term thereof.

(2) By amending subdivision (a) of Section 298.5 thereof to read as follows:

Oil and gas leases, etc

(a) Except as to lands referred to in sections 229x and 217 of this Charter, the City Council may authorize and direct the execution of leases, contracts or other agreements between the City of Long Beach and other persons, firms, corporations or associations to drill for, develop, extract, take or remove, or dispose of oil, gas or other hydrocarbon substances, from, under, across or through any and all lands including tide, submerged and overflowed lands, whether filled or unfilled, belonging to the City of Long Beach, or such lands in or from which the City may now or hereafter have the right so to drill for, develop, extract, take or remove, and dispose of oil, gas and other hydrocarbon substances for the term or period in each instance not to exceed such as provided by law; provided, any such lease, contract or other agreement shall be made and entered into with the highest responsible bidder upon competitive bidding in the manner and form as shall be approved by

said City Council, after publication of notice calling for bids in the official newspaper of the City; provided, further, said City Council may authorize the execution of any such lease, contract or other agreement between the City and other persons, firms, corporations or associations including such lands, other than tidelands and submerged lands granted to the City by the State of California, in a community lease embracing adjoining lands not belonging to the City without such competitive bidding.

Extension

Notwithstanding the competitive bidding requirement hereinabove provided, the City Council may, by negotiation, and pursuant to the terms, conditions and limitations thereby agreed to, extend the term of any lease, contract or other agreement entered into prior to March 5, 1954, concerning the lands above referred to and over which said City Council had the authority to direct the execution of any such lease, contract or other agreement; provided, however, that any such extension of term, including the existing unexpired term of any such lease, contract or other agreement, shall not exceed twenty-five years.

The power of extension hereby conferred is in addition to all other powers possessed by the City Council with respect to any such lease, contract or other agreement heretofore entered into, and this subdivision is not intended, nor should it be construed, as divesting or in any manner diminishing any power which the City Council now has, with respect to matters not involving an extension of term, to amend or modify any such lease, contract or other agreement for the remainder of the term thereof.

PROPOSITION CC

That the Charter of the City of Long Beach be amended by amending Section 300 thereof to read as follows:

Gas and electric contracts

Sec. 300. The term of any contract for furnishing gas or electricity to the City shall not exceed twenty-five years.

PROPOSITION DD

That the Charter of the City of Long Beach be amended by amending Section 20 thereof to read as follows:

Leases

Sec. 20. To lease for a period not exceeding twenty-five years any property owned by the City and not dedicated to public use. This restriction shall not apply to a lease or other agreement having as its primary purpose the production of oil, gas or other hydrocarbon substances.

PROPOSITION FF

That the Charter of the City of Long Beach be amended by amending Section 101 thereof to read as follows:

Civil service examinations Veterans' preferences

Sec. 101. In all Civil Service examinations except promotional examinations, the Board shall, in addition to all other

credits, give to veterans passing the examination a credit of ten additional points.

Veterans as used herein shall mean all persons released or discharged from active service under honorable conditions, who shall have served for a period of thirty days or more during time of war in the Armed Forces of the United States or in the Coast Guard. Time of war shall include any expedition of the Armed Forces of the United States.

Such credit shall likewise be granted to the widows of veterans and to the wives of injured veterans who themselves are not qualified, but whose wives are qualified to hold such positions. In case of a tie grade between a veteran and a non-veteran, the veteran shall be ranked highest.

Those claiming the benefit of this section must submit satisfactory documentary proof of their eligibility.

On the effective date of this section, the Board shall apply veteran's preferences hereunder to all existing eligible lists.

PROPOSITION GG

That the Charter of the City of Long Beach be amended by amending Section 228(4) thereof to read as follows:

Harbor District

(4) To have control and jurisdiction of that part of the City of Long Beach, hereinafter defined as the "Harbor District" and as said district was bounded and described on the first day of May, 1946, and to make and enforce therein general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development, and in carrying out the powers elsewhere vested in said Board; provided, however, that with the approval of the City Council, said Board may, with the prior approval of the electors, relinquish to the Council control of portions of the said area, and likewise, upon request of the Board, the Council may, by ordinance, also with the prior approval of the electors, change the boundaries of the Harbor District.

PROPOSITION HH

Repeals

That the Charter of the City of Long Beach be amended by repealing sections 1, 37c, 38, 109, 109a, 187.2 and 224b, subsection (16) of section 228, and sections 229i, 229u, 229.1, 236 to 249a, both inclusive, 267a, 333, 339 and 341 thereof.

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, GEORGE M. VERMILLION, Mayor, as aforesaid, and MARGARET L. HEARTWELL, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate

seal of the City of Long Beach to be thereunto duly affixed on this 26th day of December, 1956.

GEORGE M. VERMILLION
(SEAL) Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore,

Be it resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach. Approval

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CHAPTER 55

Senate Concurrent Resolution No. 24—Relative to Irvin H. Althouse.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, The long and distinguished career of Irvin H. Althouse was closed by death on January 8, 1957, in Porterville, California, where he began the practice of civil engineering in 1908 upon his arrival there from Fremont, Nebraska, where he was born on December 10, 1887; and

WHEREAS, Irvin H. Althouse, during his 69 years, had achieved a place of eminence in his chosen profession of civil engineering, having been for many years City Engineer for the City of Porterville, Chairman of the City Planning Commission, and Chairman of the Tulare County Water Commission, during which time he became recognized as an expert on irrigation engineering, water well development, and pumping plant design, and served as consulting engineer for Alpaugh and Shafter-Wasco Water Districts, his partnership firm being at the time of his death engaged as engineer to the Saucelito, Exeter and Vandalia Irrigation Districts, the Hope and Teapot Dome Water Districts, and the City of Exeter, and having served in the same capacity for many other districts, including the Cities of Woodlake, Delano, and Wasco; and

WHEREAS, Great as was his eminence in his profession, even greater was the place he attained in 48 years of distinguished

public service in which his contribution to the cause of statewide programs for water development and conservation was immeasurable, having served from 1929 to 1931 as consultant for the State on San Joaquin Valley water problems, and having met for many years with officials and committees of both the Federal and State Government developing plans which culminated in the Central Valleys Project and in the construction of the Friant-Kern Canal unit of that project; and

WHEREAS, In recent years Irvin H. Althouse had received many plaques and awards in recognition of his great public service, including his work with the Friant Water-Users Association which he helped to organize and served as secretary for many years, his 40 years' service to the Tulare County Farm Bureau, his work with the California Irrigation Districts Association as a member of the executive board and as Chairman of its important Underground Water Committee which achieved legislation making for the sound program of the irrigation districts, membership in the American Agricultural Engineers, the American Military Engineers, the National Reclamation Association, the American Geophysical Union, and the American Society of Civil Engineers in which he was awarded a life membership in January, 1954; and

WHEREAS, He had also given great public service to his home community as a member of the board of trustees of the Porterville Union High School and College District, an active member in his church, and for 25 years a member of the Rotary Club; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Senate profoundly regret the passing of Irvin H. Althouse and the loss to the State of California and to his community of this great and distinguished civil engineer so devoted to the public good, and express their deep and heartfelt sympathy to his widow, Mrs. Rose Althouse, and to his daughter, Miss Mildred Althouse in the loss of their beloved and devoted husband and father; and be it further

Resolved, That the Secretary of the Senate is directed to send suitably prepared copies of this resolution to Mrs. Rose Althouse, to Miss Mildred Althouse, and to the firm of Althouse-Strauss Engineering Services.

CHAPTER 56

Senate Concurrent Resolution No. 20—Relative to the continuation of the Joint Legislative Committee for School Visitations.

[Filed with Secretary of State, January 22, 1957.]

WHEREAS, The Joint Legislative Committee for School Visitations created by Senate Concurrent Resolution No. 8, 1955

Regular Session, has so successfully handled the problems incident to the visitation of school children to the State Capitol; and

WHEREAS, These school visitations are continuing at such a rate that to avoid confusion and preserve the educational value of the visits, it is extremely important that the Legislature should continue the Committee for School Visitations; and

WHEREAS, The subject of visitations to the Capitol by school children and the problems incident thereto are of concern to both houses of the Legislature; and

WHEREAS, Pursuant to Senate Concurrent Resolution No. 8, 1955 Regular Session, the Joint Legislative Committee was created to act until the commencement of the 1957 Regular Session; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Legislative Committee for School Visitations is hereby continued and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon the subject of visits to the capitol by school children.

2. To continue such services and programs as it has established pursuant to Senate Concurrent Resolution No. 8, of 1955 Regular Session and to change, modify or terminate any of such services as the Committee deems in the best interest of the State of California.

3. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session, with authority to file its report, if any, not later than the final legislative day of that session.

6. The committee or any subcommittee may meet and travel within or outside this State in executing the functions committed to it.

7. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such

services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(e) To employ such technical and clerical assistants as may be necessary to enable the committee to properly execute its functions.

8. The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 57

Assembly Joint Resolution No. 3—Relative to procurement of property commonly known as Cotati Airstrip from Federal Government for use as college site.

[Filed with Secretary of State, January 23, 1957.]

WHEREAS, The Legislature of the State of California will consider during its current session a variety of proposals for the creation of new four-year colleges; and

WHEREAS, Santa Rosa and Sonoma County have been proposed as locations for one such college; and

WHEREAS, The Federal Government owns approximately 218 acres of land commonly known as Cotati Airstrip which is located immediately south of Santa Rosa and is served by all necessary facilities; and

WHEREAS, This property has been determined to be surplus property and is being offered for sale by the General Services Administration of the Federal Government; and

WHEREAS, Authority exists for disposition by the Federal Government of surplus real property to states and their subdivisions for educational uses; and

WHEREAS, Substantial detriment to the State would be occasioned by sale or other disposition of the mentioned property before the Legislature of the State of California has had an opportunity to consider the creation of new colleges and locations therefor; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California

respectfully requests and urges that the mentioned property be withheld from sale or other disposition until such time as the matter of new colleges and locations therefor has been considered; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to Mr. John P. Gifford, Regional Property Coordinator, Department of Health, Education, and Welfare, San Francisco, California; Mr. Robert B. Bradford, Regional Commissioner, General Services Administration, San Francisco, California; Honorable Hubert Scudder, Member of Congress, Washington, D. C.; and to the State Director of Education, Sacramento, California.

CHAPTER 58

Assembly Concurrent Resolution No. 23—Relative to extending the date for report of the Citizens Advisory Committee on Legislative Procedure.

[Filed with Secretary of State, January 23, 1957.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The final date for the report to the Legislature of the Advisory Committee of Citizens, created by Resolution Chapter 53 of the 1956 First Extraordinary Session to assist in an investigation of the procedures of the Legislature, is extended to May 15, 1957.

CHAPTER 59

Assembly Concurrent Resolution No. 42—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State, January 23, 1957.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, Ralph N. Kleps is selected Legislative Counsel of California.

CHAPTER 60

Assembly Concurrent Resolution No. 54—Approving certain amendments to the charter of the County of Alameda voted for and ratified by the electors of said county at an election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 24, 1957.]

County of Alameda Charter amendments

WHEREAS, The County of Alameda, State of California, has at all times herein mentioned been and now is a body politic

and corporate and is now and has been since the eighteenth day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California on the eighteenth day of January, 1927, and filed in the Office of the Secretary of State on the eighteenth day of January, 1927 (Stats. 1927, pp. 2029); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the County of Alameda, to wit:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 5TH DAY OF JUNE, 1956.

PREAMBLE

BE IT KNOWN THAT:

Certificate

WHEREAS, the County of Alameda, State of California, has, at all times mentioned herein, been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January, 1927; and

WHEREAS, the Board of Supervisors, pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, by its Resolution No. 79501 adopted April 17, 1956 duly proposed and ordered submitted to the qualified electors of said County of Alameda at the election to be held in said county on the 5th day of June, 1956, ten (10) proposed amendments to the Charter of the County of Alameda, and duly ordered that said proposals should be forthwith published for ten (10) times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in said County of Alameda, which said proposals were set forth in full and at length, and were, and are in words and figures hereinafter set forth; and

WHEREAS, thereafter the said ten (10) proposed amendments to the Charter of said County of Alameda were duly published in full and at length in said newspaper for ten times and on the following dates, to-wit: on April 26, 27, 28, 29, 30 and May 1, 2, 3, 4 and 5, 1956, and said election at which said proposals were submitted to vote of qualified electors of said county was not less than than thirty (30) days nor more than sixty (60) days after publication of said proposals as aforesaid; and

WHEREAS, the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, ordered said proposals submitted to the qualified electors thereof at a general election held not less than thirty (30) days nor more than sixty (60) days after the publication of such proposals for ten (10) times, to-wit; at the regular state-wide Consolidated Primary Election to be held on June 5, 1956, which is a general election for the purpose of amending County Charters within the purview of Section 7½ of Article XI and Section 2¾ of Article II of the Constitution of said State, and out of due caution, and not as a determination to proceed by way of special election, and solely to avoid long delay in carrying out the mandate of the voters who approved such amendments by overwhelming majorities or subjecting them to very substantial costs of a county-wide special election, in the event a court might hold the Consolidated Primary Election not to be a general election within the purview of the Constitutional provision, the Board of Supervisors on the 8th day of May, 1956 duly enacted Ordinance No. 189 N.S. calling and ordering the holding of a special county election throughout the County of Alameda, State of California, for the purpose of submitting to the qualified electors thereof certain proposals to amend the charter of said County of Alameda, specifying the time of such election, to be Tuesday the 5th day of June, 1956 from the hour of seven o'clock a.m. of said day until the hour of seven o'clock p.m., establishing the special election precincts for same as the precincts established for the Consolidated Primary Election on June 5, 1956 and designating the polling places therein and the names of the election officers for each precinct as those established and appointed for the Consolidated Primary Election on June 5, 1956, and directing the Clerk of said board to supply ballots, materials, equipment and all other things necessary for the conduct of said special county election, and ordering said special election consolidated with the Consolidated Primary Election to be held on June 5, 1956, and to publish said ordinance five (5) times in the Berkeley Daily Gazette, a daily newspaper printed, published and circulated in the County of Alameda, the last of said publications to be made before June 5, 1956, and said ordinance was duly published in full and at length within fifteen (15) days after its adoption in the Berkeley Daily Gazette on May 21, 1956; and

WHEREAS, immediately subsequent to said publication, said Board of Supervisors, by Resolution No. 79679 adopted May 8, 1956, duly prescribed the form and title to be printed on the election ballot to be used at said election on June 5, 1956 for the submission of said proposals which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, subsequent to said publication the County Clerk of Alameda County caused to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there were voters therein, said copies being designed "Sample Ballot" upon their face, and mailed one sample ballot, postage prepaid, to each voter in the County of Alameda, not more than forty (40) nor less than ten (10) days before June 5, 1956, the day fixed for said election, and completed the mailing of said sample ballots at least ten (10) whole days before said election; and

WHEREAS, at said election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county and appeared on the ballot at said election in the following form, to-wit:

AMENDMENTS TO THE CHARTER OF THE COUNTY OF ALAMEDA

Shall the Charter of the County of Alameda, which now provides that the County shall assume and discharge municipal functions of cities upon such terms as may be mutually agreed upon but does not provide for including within county civil service of affected employees of such cities or include public districts or other public agencies, be amended to provide that the Board of Supervisors may require any county department, officer, Board or Commission to perform any or all of the functions of any department, officer, Board or Commission of any city, town, district, or public agency in the County, and that the terms and conditions upon which such functions are to be performed by the County shall be fixed by agreement, which may provide for including within County civil service of any or all officers or employees who have been performing such functions for such other agency, and for the granting of pension or retirement benefits, sick leave, vacation or any other rights or benefits granted County employees, by amending Section 60 of the Charter.	YES
A	NO

	Shall the Charter of the County of Alameda, which now provides that the purchasing agent shall standardize as far as possible and shall purchase all personal property required for County purposes, be amended to provide that the Board of Supervisors may provide by contract with any city, town, district, or public agency of the County for the joint purchase of any or all materials, supplies, equipment and other personal	YES
B	property required for the conduct and operation of County departments, offices, boards, commissions and institutions which may be standardized for the mutual benefit of the County and such city, town, district or public agency. Such agreement shall specify the property to be standardized and the agency and method by which such property is to be purchased, by adding Section 28.1 to the Charter.	NO

	Shall the Charter of the County of Alameda be amended to provide that the Coroner shall be an appointive officer in the classified civil service,	YES
C	instead of an elective officer, effective upon the expiration of the term of the present incumbent, by amending Section 15 and Section 17 of the Charter and adding Section 17.2 to the Charter.	NO

	Shall the Charter of the County of Alameda be amended to provide that the Surveyor shall be an appointive officer in the classified civil service subject to a probationary period of not less than twelve months, instead of an elective officer, and	YES
D	that the person occupying such office on the date this amendment becomes effective shall have the right to be appointed to such office with regular civil service tenure at the expiration of his present term of office, by amending Section 15 and Section 17 of the Charter and adding Section 17.1 to the Charter.	NO

E	Shall the Charter of the County of Alameda be amended to provide that the Treasurer shall be an appointive officer in the classified civil service subject to a probationary period of not less than twelve months, instead of an elective officer, and that the person occupying such office on the date this amendment becomes effective shall have the right to be appointed to such office with regular civil service tenure at the expiration of his present term of office, by amending Section 15 and Section 17 of the Charter and adding Section 17.1 to the Charter.	YES NO

F	Shall the Charter of the County of Alameda be amended to provide that the Tax Collector and ex officio License Collector shall be an appointive officer in the classified civil service subject to a probationary period of not less than twelve months, instead of an elective officer, and that the person occupying such office on the date this amendment becomes effective shall have the right to be appointed to such office with regular civil service tenure at the expiration of his present term of office, by amending Section 15 and Section 17 of the Charter and adding Section 17.1 to the Charter.	

G	Shall the Charter of the County of Alameda be amended to provide that the Recorder shall be an appointive officer in the classified civil service subject to a probationary period of not less than twelve months, instead of an elective officer, and that the person occupying such office on the date this amendment becomes effective shall have the right to be appointed to such office with regular civil service tenure at the expiration of his present term of office, by amending Section 15 and Section 17 of the Charter and adding Section 17.1 to the Charter.	YES NO

H	Shall the Charter of the County of Alameda be amended to provide that the County Clerk shall be an appointive officer in the classified civil service subject to a probationary period of not less than twelve months, instead of an elective office, and that the person occupying such office on the date this amendment becomes effective shall have the right to be appointed to such office with regular civil service tenure at the expiration of his present term of office, by amending Section 15 and Section 17 of the Charter and adding Section 17.1 to the Charter.	YES NO

I	Shall the Charter of the County of Alameda be amended to provide that the Auditor shall be an appointive officer in the classified civil service subject to a probationary period of not less than twelve months, instead of an elective officer, and that the person occupying such office on the date this amendment becomes effective shall have the right to be appointed to such office with regular civil service tenure at the expiration of his present term of office, by amending Section 15 and Section 17 of the Charter and adding Section 17.1 to the Charter.	YES NO

J	Shall the Charter of the County of Alameda be amended to provide that the Superintendent of Schools shall be included in the unclassified civil service and appointed by the County Board of Education, instead of elected, to serve for the term prescribed by law, effective upon the expiration of the term of the present incumbent, and that he may be removed for cause by a four-fifths vote of the County Board of Education, by amending Section 15 and Section 17 of the Charter and adding Section 17.3 to the Charter.	YES NO

and,

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals and each of them, were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, said election was held in said County of Alameda on the 5th day of June, 1956, which day was not less than thirty (30) days nor more than sixty (60) days from the

completion of the publication of said proposed amendments as hereinafter set forth; and that said election was held and conducted in the same manner as provided by law for general elections; and

WHEREAS, the returns of said election held in the County of Alameda on the 5th day of June, 1956, at which election said proposals and each of them were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the Board of Supervisors of the County of Alameda and said Board caused to be entered in the records of said Board in Appendix No. 1, in Minute Book No. 99 a statement of the result of said election which statement shows the propositions voted upon, the number of votes given in each precinct for and against each of such propositions and the number of votes given in the County of Alameda for and against each of such propositions voted upon; and

WHEREAS, a majority of the qualified electors voting thereon at said election voted in favor of the adoption of the first three (3) of said ten (10) amendments to the charter of the County of Alameda, to-wit: propositions A, B and C; and the Board of Supervisors of the County of Alameda did by Resolution 80344, adopted June 28, 1956, declare each of said three (3) amendments duly adopted by the electors of the County of Alameda and that all other such proposed amendments received less than a majority of the votes of such qualified electors voting thereon and were not ratified; and

WHEREAS, said amendments so ratified by the electors of said County of Alameda at said election held on June 5, 1956, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW, THEREFORE, the undersigned, Leland W. Sweeney, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack G. Blue, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signature with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said charter of said County, and each of them, so ratified by the majority of the electors voting thereon at said election held on the 5th day of June, 1956, as submitted to said electors, are in words and figures as follows, and are and shall, if so approved by said legislature be in the words and figures following, to-wit:

PROPOSAL "A"

To amend the charter of the County of Alameda, which now provides that county officers shall assume and discharge municipal functions of cities and towns when requested by

cities and towns upon such terms as may be mutually agreed upon but does not provide for including within county civil service of affected employees of such cities or towns or include public districts or other public agencies, to provide that the board of supervisors may require any county department, officer, board or commission to perform any or all of the functions of any department, officer, board or commission of any city, town, district, or public agency in the county whenever requested by such city, town, district or public agency, and that the terms and conditions upon which such functions are to be performed by the county shall be fixed by agreement, which may provide for the consideration to be paid to the county, the including within county civil service with or without examination of any or all officers or employees who have been performing such functions for such city, town, district, or public agency, and for the terms and conditions upon which such persons are to be employed in the classified civil service of the county, including pension or retirement benefits, seniority, sick leave, vacation or any other rights or benefits granted county employees;

by amending Section 60 of said Charter to read:

"Sec. 60: The Board of Supervisors may require any County department, officer, Board or Commission, to perform any or all of the functions of any department, officer, Board or Commission of any city, town, district, or public agency in the County whenever requested by such city, town, district, or public agency. The terms and conditions upon which such functions are to be performed by the County shall be fixed by agreement, which may provide for the consideration to be paid to the County, the including within County civil service with or without examination of any or all officers or employees who have been performing such functions for such city, town, district, or public agency, and for the terms and conditions upon which such persons are to be employed in the classified service of the County, including pension or retirement benefits, seniority, sick leave, vacation or any other rights or benefits granted County employees."

Performance of city and district functions by county officers, etc

PROPOSAL "B"

To amend the charter of the County of Alameda, which now provides that the purchasing agent shall standardize as far as possible and shall purchase all personal property required for county purposes, to provide that the board of supervisors may provide by contract with any city, town, district, or public agency of the county for the joint purchase of any or all materials, supplies, equipment and other personal property required for the conduct and operation of county departments, offices, boards, commissions and institutions which may be standardized for the mutual benefit of the county and such city, town, district or public agency. Such agreement shall specify the property to be standard-

ized and the agency and method by which such property is to be purchased;

by adding Section 28.1 to said Charter to read:

Joint purchases

"Sec. 28.1. Notwithstanding the provisions of Section 28 and Section 29 of this Charter, the Board of Supervisors may provide by contract with any city, town, district or public agency of the County for the joint purchase of any or all materials, supplies, equipment and other personal property required for the conduct and operation of County departments, offices, boards, commissions and institutions which may be standardized for the mutual benefit of the County and such city, town, district or public agency. Such agreement shall specify the property to be standardized and the agency and method by which such property is to be purchased."

PROPOSAL "C"

To amend the charter of the County of Alameda to provide that the coroner shall be an appointive officer in the classified civil service, instead of an elective officer, effective upon the expiration of the term of the present incumbent;

Coroner Appointment

by deleting the word "Coroner" from Section 15 of the Charter, which now specifies who shall be elective officers, and adding the word "Coroner" to Section 17 of the Charter, which now specifies who shall be appointive officers, and adding Section 17.2 to the Charter to read:

"Sec 17 2. Section 17.1 of this charter shall not apply to the office of Coroner."

We hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter are, and each of them is, true; and for and on behalf of said County of Alameda we being duly authorized, do hereby request the Legislature of the State of California to approve said amendments to said Charter, and each of them, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 17 day of January, 1957.

LELAND W. SWEENEY
(SEAL) Chairman of the Board of Supervisors of the County of Alameda, State of California.

JACK G. BLUE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

ATTEST:
JACK G. BLUE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

WHEREAS, Said proposed amendments to the charter of the County of Alameda, so ratified by the majority of the electors voting thereon at the election held on the fifth day of June, 1956, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of Alameda, and each of them, as presented to, adopted and ratified by the electors of the said County of Alameda and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the County of Alameda. Approval

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CHAPTER 61

Assembly Concurrent Resolution No. 55—Relative to the death of Humphrey Bogart.

[Filed with Secretary of State, January 24, 1957.]

WHEREAS, The Members of the Legislature of the State of California desire, hereby, to pay homage to the memory of one of the most distinguished and illustrious actors that has ever graced the American screen, Mr. Humphrey Bogart; and

WHEREAS, The incomparable "Bogie's" untimely passing on January 14th has profoundly shocked and saddened not only the host of those who knew and loved him but also every theatergoer in this world who has ever had the opportunity to see a picture in which he appeared; and

WHEREAS, A veteran of the Navy in World War I, Mr. Bogart's theatrical career began when he was given a job in a road-show job by a friend of his father's. He began to take small parts with the traveling players and gradually got better ones in New York productions; and

WHEREAS, In 1932 he received the stage role of Duke Mantee in "The Petrified Forest" and the critical acclaim started his career on its upward spiral; and

WHEREAS, Mr. Bogart's career in Hollywood began with a part in "Up the River" and ended with his performance in "The Harder They Fall." It included memorable performances in such pictures as "The Petrified Forest," "High Sierra," "The Maltese Falcon," "Casablanca," "To Have and Have Not," "Key Largo," "The African Queen," for which he won an Oscar in 1952, "The Barefoot Contessa," "The Left Hand of God," and his immortal portrayal of Captain Queeg in "The Caine Mutiny"; and

WHEREAS, To mourn his passing and to receive the heartfelt sympathy of all he leaves his widow, Lauren Bacall; two children, a son, Stephen Humphrey Bogart, age eight years, and a daughter, Leslie Bogart, age four years; and his sister, Francis Rose Bogart; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby pay tribute to the memory of one of America's greatest actors, Mr. Humphrey Bogart, and extend to his grief-stricken widow and family sincere condolences with the wish that the Lord will comfort them in this time of sorrow; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit suitable copies of this resolution to the widow and family of Mr. Bogart.

CHAPTER 62

Assembly Concurrent Resolution No. 60—Relative to congratulating Walton Goldman on his outstanding accomplishments.

[Filed with Secretary of State, January 24, 1957.]

WHEREAS, The Members of the Legislature have been apprised of the outstanding accomplishments and the untiring and unselfish devotion to community affairs of Walton Goldman, who for the past 30 years has been one of the City of Oakland's most noteworthy citizens; and

WHEREAS, California is proud to claim this extraordinary man as a native son, he having been born in the great City of San Francisco. His education commenced with study in the public schools of Oakland and he later attended the University of California. He completed his formal education by graduating from St. Mary's College; and

WHEREAS, This illustrious son of California has worked diligently and constructively through many civic and fraternal organizations for the betterment of the people of his community and his State. His activities have included prominent membership in the Bay View Lodge, the F. & A. M., the Oakland Scottish Rite, the Aahmes Temple of the Shrine, and the Oakland Lodge No. 252 of the B'nai B'rith of which he served as president in 1954; and

WHEREAS, His leadership has extended beyond the City of Oakland by his acceptance of such posts of responsibility as membership on the Board of Directors of the United Jewish Welfare Fund of Alameda and Contra Costa Counties and as President of the Central California B'nai B'rith Council in 1956; and

WHEREAS, During his term of office the Central California B'nai B'rith Council not only was dedicated to the service

program of the national B'nai B'rith, but in addition embarked upon a program of general public service throughout Central and Northern California encompassing such activities as support of the Community Chest, the Red Cross, the Blood Bank, and flood relief work; and

WHEREAS, The Central California B'nai B'rith Council, composed of over 26 lodges, representing membership of over 5,000 men, and extending from the City of Fresno on the south to the Oregon border on the north, has worked consistently for a better understanding among this State's many faiths and has stood ever resolute against communism and other subversive activities; and

WHEREAS, The outstanding and successful career of Walton Goldman exemplifies the spirit of cooperation which has made California the greatest State in the Union; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature commend Walton Goldman for his extraordinarily fine and unselfish public-spirited services to the people of the City of Oakland and the State of California and extend to him best wishes for many more fruitful years of able service; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a suitably prepared copy of this resolution to Walton Goldman.

CHAPTER 63

Assembly Concurrent Resolution No. 65—Relating to the passing of Mr. Vernon L. O'Reilly.

[Filed with Secretary of State, January 24, 1957.]

WHEREAS, The Members of the Assembly have learned with profound regret of the passing of Mr. Vernon L. O'Reilly, for many years the highly respected political writer and State Capitol correspondent of the San Francisco News; and

WHEREAS, Vernon O'Reilly was born in Everett, Washington, on May 4, 1902, and spent his youth in the lumber camps of the Northwest until illness directed his interests to the more sedentary vocation of journalism; and

WHEREAS, For a number of years he divided his time between actively engaging in politics and writing for various newspapers in Washington before joining the staff of the San Francisco News in 1943; and

WHEREAS, He was highly regarded by his colleagues in the journalism profession and the American Newspaper Guild, serving as Vice President of the San Francisco-Oakland Guild in 1946, and as president in 1948; and

WHEREAS, The Members of the Assembly wish to join with Governor Knight, Attorney General Brown, United States

Senator Kuchel, Mayor Christopher, and countless other citizens in all walks of life in extending a sincere expression of sorrow and loss upon the passing of this veteran newsman, whose devotion to his profession and deep insight into the affairs of the day have provided such an invaluable contribution to the enlightenment of the public; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby desire to express their deepest condolences to the bereaved members of the family of Mr. Vernon L. O'Reilly, his wife Julia Mae O'Reilly, his son Patrick, and his grandson; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the members of the late Mr. O'Reilly's family, and to the Editor-in-chief of the San Francisco News.

CHAPTER 64

Assembly Concurrent Resolution No. 70—Approving charter amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, ratified by the qualified electors of said city at a special election held therein on the seventh day of May, 1956.

[Filed with Secretary of State, January 24, 1957.]

City of Napa Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Napa, a municipal corporation of the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
County of Napa } ss.
City of Napa

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

Certificate

We, the undersigned Joe Greco, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the

qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on March 5, 1956, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 1, filed in the office of the Clerk of said City of Napa on said March 5, 1956, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 7th day of May 1956, and consolidated said special election with the General Municipal Election to be held in said City on said 7th day of May 1956.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 14th day of March, 1956 in "The Napa Register" a daily newspaper of general circulation printed and published in said City of Napa (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

The said municipal election was held in said City of Napa on May 7th, 1956 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 1 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 1

That Section 106 of the City Charter of the City of Napa be amended to read as follows:

FRANCHISE MAY BE EXCLUSIVE

Section 106: The grant, extension or renewal of any fran- Franchises
chise, may be exclusive and no such grant shall be made by the

City Council in violation of any limitation contained in this Chapter.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendment to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 27th day of December, 1956.

JOE GRECO
(SEAL) Mayor of the City of Napa, State of California
ALLEN R. THORPE
City Clerk of the City of Napa, State of California

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Napa, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Napa.

CHAPTER 65

Senate Concurrent Resolution No. 27—Relative to the continuance of the Joint Legislative Committee on Agricultural and Livestock Problems.

[Filed with Secretary of State, January 24, 1957.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Legislative Committee on Agricultural and Livestock Problems created by Senate Concurrent Resolution No. 85 of the 1955 Session is continued as a joint committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacan-

cies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its preliminary report not later than March 30, 1957, and its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution to be disbursed in the manner heretofore provided.

5 In addition to any money heretofore made available to the committee continued by this resolution, the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 66

Senate Concurrent Resolution No. 32—Relative to commending Oscar L. Hemphill, Agricultural Commissioner of Tulare County.

[Filed with Secretary of State, January 24, 1957.]

WHEREAS, On July 11, 1956, Oscar L. Hemphill, Agricultural Commissioner of Tulare County, retired from office; and

WHEREAS, As a small boy, Oscar L. Hemphill came to Tulare County which has ever since been his home, where he attended public schools before receiving training in a medical school in Southern California, and where he and his wife, the former Roseva Cox, have become the proud parents of two children, and are now the equally proud grandparents of five; and

WHEREAS, Oscar L. Hemphill entered service in the County Department of Agriculture on July 12, 1919, as Rodent Control Inspector serving until 1922 when he became deputy agricultural commissioner, in which capacity he had charge of all

the quarantine work and the many checking stations in Tulare County necessary to control the great epidemic of foot-and-mouth disease which broke out among livestock in 1924, through all the difficult months maintaining the quarantine so successfully that it was highly effective in final control of the disease; and

WHEREAS, In 1928 Oscar L. Hemphill was appointed Agricultural Commissioner of Tulare County, in which office he served for 28 years until his retirement at the age of 66 years; and

WHEREAS, During a total of 37 years of service in the Agricultural Department of Tulare County, Oscar L. Hemphill has given to his county and to the State of California the most devoted, conscientious, and effective public service possible, with great regard to the conservation and careful use of public money appropriated for the needs of his department, and has traveled many thousands of miles at his own expense in service to the agricultural interests of the county and State; and

WHEREAS, Oscar L. Hemphill has now retired from his office after these 37 years of devoted and efficient public service; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, that the Legislature of California does hereby commend and congratulate Oscar L. Hemphill upon his record of long and outstanding public service, and the members of this Legislature extend to him and his wife sincere good wishes for many enjoyable years of retirement; and be it further

Resolved, That the Secretary of the Senate is directed to send a suitably prepared copy of this resolution to Oscar L Hemphill.

CHAPTER 67

Senate Concurrent Resolution No. 33—Relative to congratulating and commending David D. Bohannon upon his contribution to California culture and commerce.

[Filed with Secretary of State, January 24, 1957]

WHEREAS, The combination of California culture and commercial enterprise is a familiar but distinctive addition to our California landscape, adding to the attractiveness and livability of our communities and serving as an inspiration to the greater enjoyment of our western way of life; and

WHEREAS, On October 14, 1956, there was unveiled at the Hillsdale Shopping Center in San Mateo, California, a unique collection of statuary by Beniamino Benvenuto Bufano, which has been permanently placed in the central mall areas of the shopping center in a setting of colorful flowers; and

WHEREAS, This distinctive shopping center, developed by David D. Bohannon, one of the Nation's most noted community designers and developers, is also enhanced by stone animals and the figure of an owl carved of giant redwood burl and finished in a combination of mosaic and stainless steel, all carved by Beniamino Benvenuto Bufano whose work is exhibited in the Metropolitan Museum in New York and private collections and museums in France, Italy, and many other countries and in the Guggenheim Museum and other museums in the United States; and

WHEREAS, David D. Bohannon is a native son, born and raised in San Francisco, who has contributed greatly to the Bay area in the field of real estate development and community planning and has been credited by Fortune Magazine as the originator and developer of the California method of mass production building techniques and who now makes available to the California public the statuary of Beniamino Benvenuto Bufano to constant public view without charge; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California congratulates David D Bohannon for his many forward contributions to the integration of culture with commercial development in his native State; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to David D. Bohannon.

CHAPTER 68

Senate Joint Resolution No. 6—Relating to the successful nonstop flight around the world.

[Filed with Secretary of State, January 25, 1957.]

WHEREAS, The Legislature of the State of California has learned with great pride of the completion of the first globe-circling nonstop combat mission of three B-52 bombers of the Strategic Air Command of the United States Air Force; and

WHEREAS, This flight, which took only 45 hours and 19 minutes, dramatically proved the ability of the Strategic Air Command to strike back swiftly and certainly at an aggressor in any part of the world and thereby contributed immeasurably to the efforts of the United States to maintain world peace through vigilance and preparedness for any eventuality; and

WHEREAS, The success of this mission is attributable to the careful preparation conducted by the Strategic Air Command and more particularly the units of that command stationed at the Castle Air Force Base near Merced; and

WHEREAS, Accomplishment of the remarkable feat, which has attracted world-wide attention in an era accustomed to miracles in the air, is in itself attestation to the effective lead-

ership and aviation genius of Brigadier General William E. Eubank, Junior, Commander of the 93d Air Bombardment Wing, and Major General A. J. Old, Junior, Commander of the 15th Air Force; and

WHEREAS, Each and every member of the crews of the three planes and of the ground crews and others who supported them in their effort are responsible for the successful completion of this flight, the second successful nonstop around the world flight; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California extends its congratulations to General Eubank, to General Old, to the pilots and crew members of the three jet bombers, and to the entire personnel of the Castle Air Force Base upon the successful completion of this flight; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the President of the United States, to the Secretary of Defense, to the Secretary of the Air Force, to the Chief of Staff of the Air Force, to the Commander in Chief of the Strategic Air Command, to the Commander of the 15th Air Force, March Air Force Base, and to the Commander of the 93d Air Bombardment Wing, Castle Air Force Base.

CHAPTER 69

Senate Concurrent Resolution No. 43—Approving amendments to the charter of the County of San Bernardino, State of California, ratified by the qualified electors of said county at an election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 25, 1957]

County of San Bernardino Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of said county, as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

Certificate of County Clerk of the County of San Bernardino, State of California, and the Chairman of the Board of Supervisors of San Bernardino County, State of California, as to the adoption and ratification of certain amendments to the Charter of said County of San Bernardino, submitted to the qualified electors of said County on the 5th day of June, 1956.

PREAMBLE.

BE IT KNOWN THAT:

Certificate

WHEREAS, The County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California, on the 7th day of April, 1913; (Statutes 1913, page 1652, et seq.), and

WHEREAS, On the third day of April, 1956, the Board of Supervisors of said San Bernardino County, by Ordinance No. 785, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County certain amendments to the charter of said County by the submission of certain proposals for such amendments to said electors at a special election to be held and conducted on the fifth day of June, 1956, for ratification or rejection, and further ordered that said special election be consolidated with the Primary Election to be held on said day and that all precincts established, and all election officers appointed for said Primary Election should be the precincts and the election officers for said special election and that said election officers should conduct said election and make return thereof according to law; that all applicable provisions of Section 7½ of Article XI of said Constitution were complied with; and

WHEREAS, The Board further duly ordered that said proposals should be forthwith published ten times in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposals, said proposed amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and,

WHEREAS, Thereafter, said proposals were duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: April 9th to April 18th, 1956, inclusive, and as often during said time as said newspaper was regularly published; and said primary election at which said proposals were submitted to the vote of the qualified electors of said County was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and

WHEREAS, Said Board of Supervisors duly prescribed the form and title of each of said proposals to be printed on the primary election ballot to be used at said primary election for the submission of said proposals, which said forms and titles are hereinafter set forth, and in which said form and

under which said title each of said proposals appeared on said ballots; and,

WHEREAS, Subsequent to said publication and at least twenty-five days prior to June 5th, 1956, the County Clerk of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposals would be submitted to the qualified electors of said County at said primary election to be held June 5th, 1956, and said Clerk, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and on said notice, said proposals each appeared in the form and by the title so prescribed by said Supervisors and each in the form and by the title each of said proposals appeared upon said ballot; and,

WHEREAS, At said primary election said proposals were duly submitted to the vote of the qualified electors of said County, as Propositions B, C, D, E, F, G, H, I, J, K and L, and appeared on the primary ballot at said election;

And opposite each of said proposals to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereafter and in addition thereto; said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of County charters; and,

WHEREAS, The County Clerk of said San Bernardino County mailed a printed copy of each of said proposed Amendments enclosed in an envelope with a sample ballot, to each qualified elector within said County of San Bernardino, at least ten days prior to the said 5th day of June, 1956; and,

WHEREAS, The returns of said primary election held in the County of San Bernardino on the said June 5th, 1956, at which election said proposals were submitted to the vote of the qualified electors of said County, were made to and canvassed by the County Clerk of said County of San Bernardino, as ordered by said Board of Supervisors, and duly certified to the Board of Supervisors, and it appeared therefrom and was so declared by the Board of Supervisors that at said election a majority of the qualified voters voting thereon voted in favor of Propositions C, D, H, I, J, K and L and against Propositions B, E, F, and G; and said Board of Supervisors thereupon ordered and declared that said Propositions C, D, H, I, J, K and L were ratified; and,

WHEREAS, Said Propositions so ratified as amendments to said County Charter by the electors of the County of San Bernardino, at said primary election held on June 5th, 1956, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power

of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, The undersigned, S. Wesley Break, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and Harry L. Allison, County Clerk and ex-officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said Charter of said County, so ratified by the majority of the electors voting thereon at said primary election held on the 5th day of June, 1956, as submitted to said electors are in the words and figures as follows, and are and shall, if so approved by said Legislature be in the words and figures following, to-wit:

"CHARTER AMENDMENT NUMBER TWELVE

Proposition C

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twelve, adding a new section to Article II to be designated as Section 9 to read as follows:

County counsel

Section 9. There is hereby established the office of County Counsel. He shall act as legal adviser and counsel for the various county officers, boards and commissions as prescribed by general laws. The County Counsel shall be a duly qualified and licensed attorney, admitted to practice in all the courts of the State of California. The County Counsel shall be appointed by the Board of Supervisors from an eligible list certified by the Civil Service Commission in the manner provided by law and regulations of the Civil Service Commission."

"CHARTER AMENDMENT NUMBER THIRTEEN

Proposition D

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Thirteen, adding a new section to Article II to be designated as Section 10 to read as follows:

Registrar of voters

Section 10. There is hereby established the office of Registrar of Voters. The Registrar of Voters shall have the powers and duties of supervision of all elections now vested by general law in the County Clerk. The Registrar of Voters shall be appointed by the Board of Supervisors from an eligible list certified by the Civil Service Commission in the manner provided by law and the regulations of the Civil Service Commission."

"CHARTER AMENDMENT NUMBER SEVENTEEN

Proposition H

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter

Amendment Number Seventeen, by amending Section 2 of Article V to read as follows:

Acquisition reports

Section 2. Every such officer other than the auditor shall at least yearly or at such other times deemed necessary by the auditor or as called for by the Board of Supervisors, within five days make and file with the auditor for such period, a report showing in detail all accessions to property of or pertaining to his office, during such period, and how and from whom acquired, and also showing in detail what property of or pertaining to his office, has during such period been lost, destroyed, consumed, transferred and to whom, or otherwise disposed of. The auditor, within five days, shall make and file a like periodic report as to his office with the Board of Supervisors."

"CHARTER AMENDMENT NUMBER EIGHTEEN

Proposition I

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Eighteen by amending Section 6 of Article V to read as follows:

Audits

Section 6. It shall be the duty of the Auditor to make thorough inspection and examination, from time to time, and not less than three times each year, of all books and accounts of all other county officers and of all judicial district officers and of officers of all special districts whose funds are under the custody and control of the County. A committee for each department composed of the Auditor, a member of the Board of Supervisors and the department head affected, shall prescribe in writing as to each county office such rules, regulations, forms, and methods as to keeping the accounts thereof, and as to making the reports and accounts hereinbefore provided for, as the committee shall consider necessary, and it shall be the duty of each county officer to comply therewith."

"CHARTER AMENDMENT NUMBER NINETEEN

Proposition J

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Nineteen by amending the first paragraph of Section 1 of Article VII to read as follows:

Compensation of elective officers

Section 1. In all cases in which the Board of Supervisors is authorized by law or by this Charter to fix the compensation of any elective officer, such compensation shall be fixed prior to the election of such officer, and shall not be increased or diminished during the term for which such officer shall be elected."

"CHARTER AMENDMENT NUMBER TWENTY

Proposition K

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twenty by amending Section 3 of Article VII to read as follows:

Section 3. All annual salaries of officers, assistants, deputies, clerks and attaches, whether fixed by general law or by this Charter or by the Board of Supervisors, shall be payable in equal bi-weekly or other period installments as determined by the Board of Supervisors. Salaries shall be considered earned at the last working hour of the payroll period." Pay periods

"CHARTER AMENDMENT NUMBER TWENTY-ONE

Proposition L

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twenty-one by adding a new section to Article 2½ to be designated as Section 6 to read as follows:

Section 6. The County Board of Education is hereby established. Members of the County Board of Education shall be elected at such times, for the terms and in the manner provided by general law. They shall have such qualifications and shall receive such compensation for their services as may be provided by general law." County Board of Education

AND WE FURTHER CERTIFY HEREBY That the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true,

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California, to approve said amendments to said charter as a whole, and to take other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 2nd day of January, 1957.

S. WESLEY BREAK
(SEAL) Chairman of the Board of Supervisors,
San Bernardino County, State of California.

ATTEST:
HARRY L. ALLISON, County Clerk and
Ex-officio Clerk of the Board of Supervisors, San Bernardino County,
State of California.
By WALTER V. COMBS, Deputy

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the County of San Bernardino, as presented to and adopted and ratified by the electors of said county, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of said County of San Bernardino.

CHAPTER 70

Assembly Concurrent Resolution No. 17—Relative to the Upper Feather River Service Area of the Feather River Project.

[Filed with Secretary of State, January 25, 1957.]

WHEREAS, An appropriation of $385,000 was made to the Department of Water Resources by Item 223.1 of the Budget Act of 1956 to complete engineering and geological investigations, studies, and reports with recommendations for a construction program for multipurpose water development and flood control projects for the Upper Feather River Service Area of the Feather River Project; and

WHEREAS, Information as to the proposals of the Department of Water Resources with respect to these facilities is urgently needed by the Legislature in order to properly consider legislation at this session; and

WHEREAS, The orderly development of the water resources of the Upper Feather River Service Area is an integral part of the comprehensive and coordinated development of the water resources of this State, which must be undertaken without delay in order to provide for the economic future of this State; and

WHEREAS, The Department of Water Resources will soon complete its proposed report on these key features of the California Water Plan; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources is requested to submit its proposed report on the Upper Feather River Service Area of the Feather River Project to the Legislature on or before March 11, 1957; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of the resolution to the Director of Water Resources.

CHAPTER 71

Assembly Concurrent Resolution No. 24—Relating to studies to be undertaken by the Department of Social Welfare for the purpose of ascertaining the means by which the administration of the Aid to Needy Children Program may be simplified, and to enable the department to provide the Legislature with recommendations for simplification of the statutory structure of the program.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, The provisions of the Welfare and Institutions Code pertaining to Aid to Needy Children involve great detail and complexity in administration with respect to grant determinations, adjustments in grants, and accounting for funds; and

WHEREAS, The present statutory and regulatory basis for determining the amount of aid to be given in any particular case, and particularly the budgeting procedure prescribed by Section 1511.5, which requires that the amount of the grant in case be computed by including average amounts allocable to each item of a fixed and inflexible list of specific minimum needs and allowances, has resulted in the expenditure of a disproportionate amount of time and effort on detailed administrative and clerical paper work on the part of department personnel at both the state and local levels; and

WHEREAS, The extra time, effort, and expense involved in administering these detailed and inflexible provisions of law and regulation has seriously interfered with and reduced the time available to staff members for essential casework in the field of family rehabilitation by which the most significant and lasting reductions in necessary aid and governmental expense may be achieved; and

WHEREAS, The experience acquired by the department in administering the present law has resulted in the accumulation, by personnel at all levels, of knowledge and information which, when accumulated and considered in conjunction with an analysis of the operative effect of present law on the State's welfare program as a whole, will provide a basis for reappraisal and streamlining of the entire Aid to Needy Children Program with resultant increase in efficiency in its administration and reduction of expense to the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of the Department of Social Welfare is requested to institute and supervise a study of all aspects of the Aid to Needy Children Program including a study of means whereby its administration may be simplified to the end that the detailed administrative functions presently required of all department personnel be reduced to a minimum, thereby permitting a maximum of time and effort to be devoted to casework in family rehabilitation; and be it further

Resolved, That the Director of the Department of Social Welfare prepare a written report of the findings made in the study of the Aid to Needy Children Program, for presentation to the Legislature not later than April 15, 1957; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of the Department of Social Welfare.

CHAPTER 72

Assembly Concurrent Resolution No. 26—Relative to the business climate in California.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, Good business climate is hereby defined as follows:

1. Fair and equitable treatment in general legislation and administrative regulation for all segments of California's economy.

2. A framework of government the support of which adds no greater cost to doing business than the cost of government imposed by other states of similar industrialization and favorable climate.

3. Equitable tax policies and restriction of the cost of government to reasonable levels.

4. Fair treatment for all in legislation and administration of labor-management relations affairs.

5. Fostering, in the public interest, an economic atmosphere which will enable California agriculture and industry to compete for out-of-state markets, remembering that wide marketing of California products brings wealth into the State, thereby raising the standard of living of all our people; and

WHEREAS, During the last 10 years, under its prevailing favorable business climate, California has attracted some 14,500 new manufacturing plants and expansions, with a capital investment of close to four billion dollars ($4,000,000,000); and

WHEREAS, For reasons hereinafter set forth, it will be critically important for California to continue to maintain and improve its business climate; and

WHEREAS, California's population is increasing at the rate of about 400,000 persons annually and is expected to reach 17,000,000 by 1965, when population forecasts indicate California will become the Nation's largest state; and

WHEREAS, The capital investment necessary to provide jobs for the expected 133,000 new workers each year will be in excess of two billion dollars ($2,000,000,000) annually; and

WHEREAS, Basic industry and agriculture are the prime movers of the rest of the business economy; and

WHEREAS, Healthy industry broadens the tax base, thereby providing much-needed revenues for community facilities and government services for all our people; and

WHEREAS, In this era of rapid industrial expansion and relocation throughout the United States, industries, selecting locations, are vitally concerned about the relative business climate among the states; and

WHEREAS, A favorable business climate attracts needed industrial pay rolls; attitudes which build an unfavorable business climate could tend to deter the coming to California of manufacturing plants which, in the relocation process, are free to seek the most favorable locations to themselves elsewhere in the West for serving western markets; and

WHEREAS, Preservation of our good business climate is in the public interest and can be continued without discriminating against any other interest in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature henceforth shall examine all proposed legislation relating to business, industry, and agriculture in terms of its effect upon the business climate of the State, and shall determine whether such legislation may have any future discriminating or deterring effect upon the investment of capital and the creation of needed pay rolls in California; and be it further

Resolved, That the Members of this Legislature hereby request the Governor, the Controller, the Director of Finance, the Treasurer, and the director of each department in the State Government to examine their own discretionary actions and orders in any way relating to business, industry, and agriculture in terms of the effect of such governmental action upon the business climate in California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitable copies of this resolution to the Governor, the Secretary of State, the Controller, the Treasurer, and to each director or head of every department in the Government of the State of California.

CHAPTER 73

Assembly Concurrent Resolution No. 52—Relative to congratulating the Campo de Cahuenga Memorial Association.

[Filed with Secretary of State, January 25, 1957.]

WHEREAS, The Members of the Legislature of the State of California were sincerely pleased to learn of the seventh annual observance of the signing of the Treaty of Cahuenga which was held on the thirteenth day of January and desire hereby to thank and congratulate the Campo de Cahuenga Memorial Association and the other organizations sponsoring this yearly event; and

WHEREAS, The Treaty of Cahuenga, which was signed on January 13, 1847, by Lieutenant Colonel John C. Fremont and General Andres Pico, is of tremendous significance in the history and development of the Nation and of the State of California; and

WHEREAS, The treaty brought to an end hostilities between the forces of Mexico and the United States and gained for the United States the mighty empire of the West; and

WHEREAS, The pact, later confirmed by the Treaty of Guadalupe Hidalgo, ceded nearly 500,000 square miles of territory to the Americans, including the present States of California, Nevada, Utah, Arizona, and parts of New Mexico, Colorado, and Wyoming; and

WHEREAS, The Campo de Cahuenga Memorial Association; its board of directors, Charles Hulett, Alfred P. Peracca, Eldred L. Meyer, and Edward Ainsworth; and cosponsoring Rancho San Fernando Parlor 285, Native Sons of the Golden West, California Garden Clubs, and the Los Angeles City Recreation and Park Department are deserving of the highest commendation and praise for their efforts to mark and call to the attention of all Californians this glorious page from the history of this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California are particularly pleased to extend to the Campo de Cahuenga Memorial Association and the cosponsoring organizations, sincere thanks and congratulations upon the seventh annual observance of the signing of the Treaty of Cahuenga; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit suitable copies of this resolution to the Campo de Cahuenga Memorial Association and to its board of directors.

CHAPTER 74

Assembly Concurrent Resolution No 68—Relative to the death of Arturo Toscanini

[Filed with Secretary of State, January 25, 1957]

WHEREAS, The Members of the Legislature have learned with deep sorrow of the death of Arturo Toscanini, the world's foremost orchestra conductor who was beloved by millions for more than two generations; and

WHEREAS, The lives of all Californians as well as all Americans have been greatly enriched by the tapestries of sound produced for them by this musical genius who wove magical webs of entrancing music with his baton; and

WHEREAS, Maestro Toscanini, whose brilliant career as a conductor won for him virtually every honor the musical world has to offer, commenced his studies at the age of nine when he entered a conservatory in Parma, Italy, the city of his birth; and

WHEREAS, He conducted an orchestra for the first time at the age of 19 in the City of Rio de Janeiro and later was on the podium of the leading orchestras of Italy and other European countries, enjoying the greatest of success; and

WHEREAS, He made his first appearance at Milan's great La Scala Opera House in 1896 and for more than 30 years thereafter was La Scala's leading figure for both symphonic and opera performances; and

WHEREAS, When he came to the United States in 1908 he swept on to even greater heights, conducting at the renowned Metropolitan Opera for seven seasons, during the era of such notable artists as Caruso, Melba, and Scotti, and subsequently directing the New York Philharmonic Symphony for 10 years and the National Broadcasting Company Symphony Orchestra for 17 years, until his retirement on April 4, 1954; and

WHEREAS, Maestro Toscanini conducted the world premiere performances of some of the greatest operatic masterpieces, including Puccini's "La Bohème" and Leoncavallo's "Pagliacci"; and

WHEREAS, Arturo Toscanini's life, which spanned almost 90 years, symbolizes the supreme peak in musical perfection, and his memory will serve as an inspiring force for everyone in the musical world; and

WHEREAS, President Dwight D. Eisenhower paid supreme tribute to Maestro Toscanini when he said "As man and as musician he gained the admiration of the world. He spoke in the universal language of music, but he also spoke in the language of free men everywhere. The music he created and the hatred of tyranny that was his are part of the legacy of our time"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby express their extreme regret at the passing of Arturo Toscanini, the most pre-eminent musical conductor of this age, and desire by this resolution to convey to his bereaved ones their deepest and most sincere sympathy; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit suitable copies of this resolution to Arturo Toscanini's son, Walter Toscanini, and to his daughters, the Countess Wally Castelbargo and Wanda Horowitz.

CHAPTER 75

Assembly Concurrent Resolution No. 79—Approving certain amendments to the charter of the County of Fresno, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 6, 1956.

[Filed with Secretary of State, January 25, 1957.]

County of Fresno Charter amendments

WHEREAS, The County of Fresno, State of California, has been at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of

California, and is now and has been since the twenty-fourth day of April, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a special election duly and regularly called and held for that purpose on the tenth day of April, 1933, and approved by the Legislature of the State of California on the nineteenth day of April, 1933, and filed in the office of the Secretary of State on the twenty-fourth day of April, 1933; and

WHEREAS, The board of supervisors of said county pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolutions and orders adopted on the twenty-ninth day of August, 1956, duly propose to the qualified electors of the said County of Fresno, certain amendments to the said charter of said county designated on the ballot as County Proposals "A" to "I" inclusive, and ordered that said proposed amendments be submitted to the qualified electors of said county at the general election to be held in said county on November 6, 1956, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed charter amendments, and each of them, were published 10 times in the Fresno Bee the Republican, a daily newspaper of general circulation printed, published and circulated in said county, to wit: on September 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, 1956; and

WHEREAS, Said board of supervisors by resolution adopted on the twenty-ninth day of August, 1956, did order the placing of said proposed charter amendments on the ballot of the general election to be held in the said County of Fresno on the sixth day of November, 1956, which date was not less than 30 days nor more than 60 days after said publication of such proposals as aforesaid for 10 times in a daily newspaper of general circulation printed, published and circulated in said county as aforesaid; and

WHEREAS, Said general election was held in said County of Fresno on the said sixth day of November, 1956; and

WHEREAS, Thereafter the County Clerk of said County of Fresno, having been designated in the manner provided by law, did duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county, and said clerk did on the fourth day of December, 1956, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election; and

WHEREAS, At said general election held on the sixth day of November, 1956, said proposed amendments "A" to "H," inclusive, were ratified by a majority of the electors of said county voting thereon, and proposed amendment "I" was not so ratified; and

WHEREAS, Said charter amendments so ratified by the electors of the said County of Fresno are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California. Said amendments so submitted are as follows:

COUNTY PROPOSAL "A"

That Section 16 of the Charter of the County of Fresno be amended to read:

Section 16. The appointive County officers shall be: Appointive county officers
Members of the Civil Service Commission
Members of the Planning Commission
Agricultural Commissioner
Probation Officer
County Health Officer
Sealer of Weights and Measures
Director of Public Works
County Administrative Officer
County Counsel

Such other officers as now are or which may be hereafter authorized by the general law of the State of California or this Charter and established in pursuance thereof.

All appointive officers shall have the qualifications and exercise the powers and privileges and perform the duties and functions which now are or which may be hereafter prescribed for their respective offices by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors. The Director of Public Works shall be a registered civil engineer of the State of California and shall be ex-officio County Surveyor and Road Commissioner, and as such shall have the powers and privileges and perform the functions and duties which now are or which may be hereafter prescribed for such office by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors.

COUNTY PROPOSAL "B"

That Section 17 of the Charter of the County of Fresno be amended to read:

Section 17. All appointive officers whose terms of office are not otherwise provided for in this Charter and who are not in the County Classified Civil Service shall serve at the will of the appointing authority. Terms of office

COUNTY PROPOSAL "C"

That Section 18 of the Charter of the County of Fresno be amended to read:

County Planning Commission

Section 18. There is hereby constituted for the County of Fresno a County Planning Commission.

Said Commission shall consist of seven or nine members as the Board of Supervisors may by ordinance determine, to be appointed by the Board of Supervisors, together with one member of the Board of Supervisors to be designated by said Board, who shall serve on said Commission in an ex-officio capacity without the right to vote.

The terms of the members, other than the ex-officio member, shall be for four years, except that the first new members appointed under the 1956 amendment to this Section authorizing an increase in the number of the members of said Commission shall be appointed to such terms as will obtain a maximum staggering of the terms of the whole Commission. The ex-officio member shall serve at the pleasure of the Board of Supervisors, and any other member may be removed by a four-fifths vote of the Board of Supervisors.

There shall be a Director of Planning who shall be appointed by the Board of Supervisors.

Said Planning Commission, Director of Planning and the Board of Supervisors, as the case may be, shall have such jurisdiction, powers and duties to formulate, propose, approve, adopt, enact, and administer general plans, zoning ordinances, official plans, and precise plans, and do any and all other things related to local and area planning as is now or may hereafter be conferred upon them by Title 7 of the Government Code of the State of California or any general State law relating to planning as the same may now or hereafter provide. In all matters of procedure, the requirements of said general law, where not in conflict with this Charter, shall be applicable to any action taken by the Planning Commission or the Board of Supervisors.

The Board of Supervisors, in addition to the other powers herein conferred upon it, and in furtherance of the purpose of this Section, may provide by ordinance for a coordinating board consisting of officers and employees of the County of Fresno and other public agencies within the County as an advisory board for the coordination and integration of planning policy and administration with other activities of the County and other public agencies.

COUNTY PROPOSAL "D"

That Section 25 of the Charter of the County of Fresno be amended to read:

Deputies and employees of elective officers

Section 25. Each elective officer shall have the power to appoint and remove such deputies and employees as are provided for the carrying out of the duties of his office, subject to the requirements of any Civil Service ordinance and rules and regulations adopted pursuant to Section 44 of this Charter.

COUNTY PROPOSAL "E"

That Section 43 of the Charter of the County of Fresno be amended to read:

Employment Relatives

Section 43. No person applying for employment by the County and who is related within the third degree, whether by blood or marriage, to any person then employed in the County department in which the applicant is seeking employment or is so related to any County officer or appointive department head whatsoever, shall be employed by the County except that the Board of Supervisors may by unanimous vote of all members find that by reason of unusual qualifications of the applicant, or the existence of other unusual circumstances, the best interest of the County would be served by employing such person and accordingly authorize such employment.

COUNTY PROPOSAL "F"

County administrative officer

That paragraph 2 (f) of Section 44 of the Charter of the County of Fresno be amended to add to the positions which the Board of Supervisors may by ordinance exempt from the Classified Civil Service that of County Administrative Officer.

COUNTY PROPOSAL "G"

Director of planning

That paragraph 2 (f) of Section 44 of the Charter of the County of Fresno be amended to add to the positions which the Board of Supervisors may by ordinance exempt from the Classified Civil Service that of Director of Planning.

COUNTY PROPOSAL "H"

Director of personnel

That paragraph 2 (f) of Section 44 of the Charter of the County of Fresno be amended to add to the positions which the Board of Supervisors may by ordinance exempt from the Classified Civil Service that of Director of Personnel.

STATE OF CALIFORNIA }
County of Fresno } ss.

We, the undersigned, Norman S. Foley, Chairman of the Board of Supervisors of the County of Fresno, State of California, and J. L. Brown, County Clerk and ex officio Clerk of the Board of Supervisors of said County of Fresno, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Fresno were duly submitted to the electors of said county at the general election held in said county on the 6th day of November, 1956; that such amendments are true and correct as submitted and ratified as aforesaid, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of Fresno this _____ day of January, 1957.

NORMAN S. FOLEY
Chairman of the Board of Supervisors of the County of Fresno, State of California.
J. L. BROWN, County Clerk and ex-officio Clerk of the Board of Supervisors
By CARL A. MELOM
Deputy

ATTEST:
J. L. BROWN, County Clerk
of the County of Fresno,
State of California

WHEREAS, Said proposed amendments to the charter of the County of Fresno, so ratified by a majority of the electors voting thereon at said general election held on November 6, 1956, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of Fresno, as proposed by the Board of Supervisors of said County of Fresno and as ratified by the electors of the said County of Fresno, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the charter of the County of Fresno.

CHAPTER 76

Assembly Concurrent Resolution No. 16—Relative to the Upper Feather River Service Area of the Feather River Project.

[Filed with Secretary of State, January 25, 1957.]

WHEREAS, Reports and recommendations by the Department of Water Resources with respect to a construction program for multipurpose water development and flood control projects in the Upper Feather River Service Area of the Feather River Project can be completed so as to be available for consideration at a hearing by the department, as required by Section 12623 of the Water Code, not later than the second

week in February of this year, and in no event later than February 15, 1957; and

WHEREAS, The hearing by the department will develop factual information which will be of great value to the Legislature in considering legislation during the present session; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources be directed to hold a hearing not later than the second week in February, 1957, and in no event later than February 15, 1957, on the proposed adoption of its reports and recommendations as to the construction of such facilities; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 77

Senate Concurrent Resolution No. 10—Relative to continuance of the Joint Interim Committee on Transportation Problems.

[Filed with Secretary of State, January 25, 1957]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Interim Committee on Transportation Problems created by Senate Concurrent Resolution No. 74 of the 1955 Regular Session is continued as a joint committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the ninetieth legislative day.

3 The provisions of the Joint Rules of the Senate and Assembly, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution to be disbursed in the manner heretofore provided.

5. In addition to any money heretofore made available to the committee continued by this resolution, the sum of five thousand dollars ($5,000) or so much thereof as may be neces-

sary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 78

Senate Concurrent Resolution No. 22—Relative to the continuance of joint interim committees.

[Filed with Secretary of State, January 25, 1957]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1 Each joint interim committee previously created by the Legislature by concurrent resolution and in existence on January 6, 1957, is continued as a joint committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of each committee shall be filled by the appointing power.

2. Each committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly as soon as such rules are adopted at this session or amended from time to time, become applicable to each committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to each committee and its members.

4. The unexpended balance of the money heretofore made available to each such committee continued by this resolution shall continue to be available for the expenses of the committee to which it was heretofore available and its members and for any charges, expenses, or claims each such committee may incur under the resolution by which it was created or this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 79

Senate Concurrent Resolution No. 23—Relative to commending "Filipino Community of Salinas Valley, Inc." on the establishment of a community center.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, It has recently come to the attention of the Legislature that certain citizens of the Salinas Valley through

their organization "Filipino Community of Salinas Valley, Inc." have established a community center to act as a centralized meeting place in that area; and

WHEREAS, This center is one of the first of its kind to be established in California and will be an inspirational model for other community projects of a similar nature; and

WHEREAS, This meritorious achievement was attained only after years of careful planning and devoted self-sacrifice of those interested in this worthy project; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the "Filipino Community of Salinas Valley, Inc." be commended on the establishment of its new community center; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Mr. Benny Espejo, Bataan Inn, Soledad Street, Salinas, California.

CHAPTER 80

Senate Concurrent Resolution No. 26—Relative to an over-all state-wide plan of freeways and expressways for the State of California

[Filed with Secretary of State, January 25, 1957]

WHEREAS, The Legislature of California finds:

(a) Adequate, safe, and economical highway transportation is vital to the future development of the State of California.

(b) It has been amply demonstrated that properly designed and located freeways and expressways are the most economical means of providing highway adequacy and safety.

(c) California is rapidly developing individual freeways and expressways and segments thereof, but in many cases on a piecemeal basis, which program has been greatly accelerated by the enactment of the Federal-Aid Highway Act of 1956 and will be expanded considerably more if Congress carries out its stated intentions regarding apportionments of federal funds for interstate highways.

(d) There is need for the people of California and its agriculture and industry to be informed of plans for the ultimate freeway and expressway system of the entire State as nearly as such can now be determined by basic engineering studies

(e) There is need for the establishment of a plan for such a state-wide system of freeways and expressways determined without regard to present jurisdiction over the highways, roads, and streets that might be included, in order that appropriate state, county, and city transportation plans and fiscal arrangements may be worked out and properly coordinated; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

(a) The Department of Public Works is requested to undertake a study which will provide a basis for an over-all state-wide plan of freeways and expressways for the State of California, such study not to be limited to state highways and such study to locate the potential freeway and expressway routes of such a state-wide system and the necessary connections thereto as nearly as is practicable in advance of detailed engineering design of projects.

(b) The Department of Public Works is requested to employ by contract or otherwise such engineering consultants or other specialists as it deems may be needed for conduct of the study and the preparation of reports.

(c) The Department of Public Works is requested to defray the costs of the study from moneys available in the State Highway Fund for highway planning and is further requested to undertake to secure matching contributions of federal funds available for highway planning to the extent that such are available.

(d) Agencies of the State Government and cities and counties and the City and County of San Francisco are requested to cooperate with the Department of Public Works in the conduct of the study.

(e) The Speaker of the Assembly and the President pro Tempore of the Senate are directed jointly to appoint a committee of seven officials of counties and seven officials of cities to act in a technical advisory capacity to the Department of Public Works, and the department is directed to cooperate and confer with the technical advisory committee so appointed.

(f) The Speaker of the Assembly and the President pro Tempore of the Senate shall refer the subject matter of this resolution to the appropriate joint interim committee which may deal with highway transportation problems if such committee is created at this session of the Legislature, or if no such committee is created, then the subject matter shall be referred to the appropriate interim committee of each of the respective houses by the Speaker and the President pro Tempore respectively.

(g) The Department of Public Works is requested to report from time to time on the progress of its study to the appropriate interim committee or committees as designated under the provisions of the preceding paragraph and to submit its final report on the subject matter of this resolution to the appropriate committee or committees not later than September 1, 1958.

CHAPTER 81

Senate Concurrent Resolution No. 28—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State, January 25, 1957]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of three hundred fifty thousand dollars ($350,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 82

Senate Concurrent Resolution No. 35—Relative to the incorporation of the Jack London Home, Sonoma County, in the State Park System.

[Filed with Secretary of State, January 25, 1957.]

WHEREAS, It has been proposed that the State of California establish a state historical monument, incorporating the Jack London Home in Sonoma County, together with such additional lands as in the opinion of the California State Park Commission are desirable and appropriate; and

WHEREAS, It is the desire of the Legislature to be informed as to the feasibility of such a project; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Beaches and Parks of the Department of Natural Resources is requested to conduct a study of the feasibility of establishing a state historical monument, including the Jack London Home; and be it further

Resolved, That the division is requested to report its findings to the Legislature not later than March 31, 1957; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of the Department of Natural Resources, to the California State Park Commission, and to the Chief of the Division of Beaches and Parks.

CHAPTER 83

Senate Concurrent Resolution No. 36—Approving charter amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, ratified by the qualified electors of said city at a special election held therein on the seventh day of May, 1956.

[Filed with Secretary of State, January 25, 1957.]

City of Napa Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Napa, a municipal corporation of the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF NAPA } ss.
CITY OF NAPA

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

Certificate

We, the undersigned JOE GRECO, Mayor of the City of Napa, and ALLEN R. THORPE, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been over since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on March 5, 1956, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 1, filed in the office of the Clerk of said City of Napa on said March 5, 1956, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 7th day of May 1956, and consolidated said special

election with the General Municipal Election to be held in said City on said 7th day of May 1956.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 14th day of March, 1956 in "The Napa Register" a daily newspaper of general circulation printed and published in said City of Napa (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

The said municipal election was held in said City of Napa on May 7th, 1956 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 1 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

That Section 106 of the City Charter of the City of Napa be amended to read as follows:

Franchise May Be Exclusive

Section 106: The grant, extension or renewal of any franchise, may be exclusive and no such grant shall be made by the City Council in violation of any limitation contained in this Chapter. Franchises

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendment to said Charter are true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 27th day of December, 1956.

JOE GRECO
(SEAL) Mayor of the City of Napa,
State of California
ALLEN R. THORPE
City Clerk of the City of Napa,
State of California

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Napa, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Napa.

CHAPTER 84

Senate Concurrent Resolution No. 37—Relative to the printing of death certificates.

[Filed with Secretary of State, January 25, 1957.]

WHEREAS, The Legislature adopted Senate Concurrent Resolution No. 14 in the 1956 Session of the Legislature, relating to the size of type to be used in printing death certificate forms; and

WHEREAS, The intent of this resolution (S. C. R. 14—1956) was to eliminate the double fee charged for the recording of certified copies of death certificates as now required under Section 27361 of the Government Code; and

WHEREAS, This resolution (S. C. R. 14—1956) does not accomplish this relief, because nearly 4,000,000 death certificates are now on file in California, on which the type and style of printing cannot be changed and certified copies of which are recorded from time to time in connection with legal action; and

WHEREAS, If S. C. R. 14—1956 were literally interpreted, it would require that the death certificate be printed on paper approximating 9 inches by 12 inches in size, thus increasing state and local expenditures for paper, files, and other equipment; and

WHEREAS, Other legislation will be presented to the 1957 General Session of the Legislature to give relief in the present double charge for recording certified copies of death certificates; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Director of Public Health and the State Printer be relieved of the intent and directions as expressed in Senate Concurrent Resolution No. 14 of the 1956 Legislature; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Director of Public Health and to the State Printer.

CHAPTER 85

Senate Concurrent Resolution No. 38—Relative to the expenses of the joint interim committee created by Section 2371, Welfare and Institutions Code.

[Filed with Secretary of State, January 25, 1957]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of one thousand dollars ($1,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the members of the joint interim legislative committee created by Section 2371 of the Welfare and Institutions Code, to be paid from the said Contingent Funds equally and disbursed, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 86

Senate Concurrent Resolution No. 44—Approving certain amendments to the charter of the County of Fresno, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 6, 1956.

[Filed with Secretary of State, January 25, 1957.]

County of Fresno Charter amendments

WHEREAS, The County of Fresno, State of California, has been at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California, and is now and has been since the 24th day of April, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a special election duly and regularly called and held for that purpose on the 10th day of April, 1933, and approved by the Legislature of the State of California on the 19th day of April, 1933, and filed in the office of the Secretary of State on the 24th day of April, 1933; and

WHEREAS, The Board of Supervisors of said county pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolutions and orders adopted on the 29th day of August, 1956, duly propose to the qualified electors of the said County of Fresno, certain amendments to the said charter of said county designated on the ballot as County

Proposals "A" to "I" inclusive, and ordered that said proposed amendments be submitted to the qualified electors of said county at the general election to be held in said county on November 6, 1956, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed charter amendments, and each of them, were published ten times in the Fresno Bee The Republican, a daily newspaper of general circulation printed, published and circulated in said county, to wit: on September 10, 11, 12 13, 14, 15, 16, 17, 18 and 19, 1956; and

WHEREAS, Said Board of Supervisors by resolution adopted on the 29th day of August, 1956, did order the placing of said proposed charter amendments on the ballot of the general election to be held in the said County of Fresno on the 6th day of November, 1956, which date was not less than thirty days nor more than sixty days after said publication of such proposals as aforesaid for ten times in a daily newspaper of general circulation printed, published and circulated in said county as aforesaid; and

WHEREAS, Said general election was held in said County of Fresno on the said 6th day of November, 1956; and

WHEREAS, Thereafter the County Clerk of said County of Fresno, having been designated in the manner provided by law, did duly and regularly canvass the returns of said election and certify the same to the Clerk of the Board of Supervisors of said county, and said clerk did on the 4th day of December, 1956, duly enter on the records of said Board of Supervisors a statement of the result of said canvass and said election; and

WHEREAS, At said general election held on the 6th day of November, 1956, said proposed amendments "A" to "H", inclusive, were ratified by a majority of the electors of said county voting thereon, and proposed amendment "I" was not so ratified; and

WHEREAS, Said charter amendments so ratified by the electors of the said County of Fresno are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California. Said amendments so submitted are as follows:

COUNTY PROPOSAL "A"

That Section 16 of the Charter of the County of Fresno be amended to read:

Appointive county officers

Section 16. The appointive County officers shall be:
Members of the Civil Service Commission
Members of the Planning Commission
Agricultural Commissioner
Probation Officer
County Health Officer

Sealer of Weights and Measures
Director of Public Works
County Administrative Officer
County Counsel

Such other officers as now are or which may be hereafter authorized by the general law of the State of California or this Charter and established in pursuance thereof.

All appointive officers shall have the qualifications and exercise the powers and privileges and perform the duties and functions which now are or which may be hereafter prescribed for their respective offices by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors. The Director of Public Works shall be a registered civil engineer of the State of California and shall be ex-officio County Surveyor and Road Commissioner, and as such shall have the powers and privileges and perform the functions and duties which now are or which may be hereafter prescribed for such office by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors.

County Proposal "B"

That Section 17 of the Charter of the County of Fresno be amended to read:

Terms of office

Section 17. All appointive officers whose terms of office are not otherwise provided for in this Charter and who are not in the County Classified Civil Service shall serve at the will of the appointing authority.

County Proposal "C"

That Section 18 of the Charter of the County of Fresno be amended to read:

County Planning Commission

Section 18. There is hereby constituted for the County of Fresno a County Planning Commission.

Said Commission shall consist of seven or nine members as the Board of Supervisors may by ordinance determine, to be appointed by the Board of Supervisors, together with one member of the Board of Supervisors to be designated by said Board, who shall serve on said Commission in an ex-officio capacity without the right to vote.

The terms of the members, other than the ex-officio member, shall be for four years, except that the first new members appointed under the 1956 amendment to this Section authorizing an increase in the number of the members of said Commission shall be appointed to such terms as will obtain a maximum staggering of the terms of the whole Commission. The ex-officio member shall serve at the pleasure of the Board of Supervisors, and any other member may be removed by a four-fifths vote of the Board of Supervisors.

There shall be a Director of Planning who shall be appointed by the Board of Supervisors.

Said Planning Commission, Director of Planning and the Board of Supervisors, as the case may be, shall have such jurisdiction, powers and duties to formulate, propose, approve, adopt, enact, and administer general plans, zoning ordinances, official plans, and precise plans, and do any and all other things related to local and area planning as is now or may hereafter be conferred upon them by Title 7 of the Government Code of the State of California or any general State law relating to planning as the same may now or hereafter provide. In all matters of procedure, the requirements of said general law, where not in conflict with this Charter, shall be applicable to any action taken by the Planning Commission or the Board of Supervisors.

The Board of Supervisors, in addition to the other powers herein conferred upon it, and in furtherance of the purpose of this Section, may provide by ordinance for a coordinating board consisting of officers and employees of the County of Fresno and other public agencies within the County as an advisory board for the coordination and integration of planning policy and administration with other activities of the County and other public agencies.

COUNTY PROPOSAL "D"

That Section 25 of the Charter of the County of Fresno be amended to read:

Deputies and employees of elective officers

Section 25. Each elective officer shall have the power to appoint and remove such deputies and employees as are provided for the carrying out of the duties of his office, subject to the requirements of any Civil Service ordinance and rules and regulations adopted pursuant to Section 44 of this Charter.

COUNTY PROPOSAL "E"

That Section 43 of the Charter of the County of Fresno be amended to read:

Employment: Relatives

Section 43. No person applying for employment by the County and who is related within the third degree, whether by blood or marriage, to any person then employed in the County department in which the applicant is seeking employment or is so related to any County officer or appointive department head whatsoever, shall be employed by the County except that the Board of Supervisors may by unanimous vote of all members find that by reason of unusual qualifications of the applicant, or the existence of other unusual circumstances, the best interest of the County would be served by employing such person and accordingly authorize such employment.

COUNTY PROPOSAL "F"

County administrative officer

That paragraph 2 (f) of Section 44 of the Charter of the County of Fresno be amended to add to the positions which the Board of Supervisors may by ordinance exempt from the Classified Civil Service that of County Administrative Officer.

COUNTY PROPOSAL "G"

Director of planning

That paragraph 2 (f) of Section 44 of the Charter of the County of Fresno be amended to add to the positions which the Board of Supervisors may by ordinance exempt from the Classified Civil Service that of Director of Planning.

COUNTY PROPOSAL "H"

Director of personnel

That paragraph 2 (f) of Section 44 of the Charter of the County of Fresno be amended to add to the positions which the Board of Supervisors may by ordinance exempt from the Classified Civil Service that of Director of Personnel.

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.

We, the undersigned, NORMAN S. FOLEY, Chairman of the Board of Supervisors of the County of Fresno, State of California, and J. L. BROWN, County Clerk and ex officio Clerk of the Board of Supervisors of said County of Fresno, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Fresno were duly submitted to the electors of said county at the general election held in said county on the 6th day of November, 1956; that such amendments are true and correct as submitted and ratified as aforesaid, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

IN WITNESS WHEREOF We have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of Fresno this _____ day of January, 1957.

(SEAL)

NORMAN S. FOLEY
Chairman of the Board of Supervisors of the County of Fresno, State of California.
J. L. BROWN, County Clerk and ex-officio Clerk of the Board of Supervisors
By CARL H. MELON
Deputy

ATTEST:
J. L. BROWN, County Clerk of the County of Fresno, State of California

WHEREAS, Said proposed amendments to the charter of the County of Fresno, so ratified by a majority of the electors voting thereon at said general election held on November 6, 1956, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of Fresno, as proposed by the Board of Supervisors of said County of Fresno and as ratified by the electors of the said County of Fresno, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the charter of the County of Fresno.

CHAPTER 87

Senate Concurrent Resolution No. 53—Congratulating and commending Milton P. Duffy on his receipt of the Harvey W. Wiley Award for outstanding administration of the Food and Drug Laws.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, Milton P. Duffy has rendered outstanding service and displayed an unparalleled devotion to duty as Chief of the Bureau of Food and Drug Inspections, State Department of Public Health, since the establishment of that agency in 1921; and

WHEREAS, As a pioneer in the field of Food and Drug Law administration and as an acknowledged leader and guiding force in that field since the days of its infancy, he has contributed immeasurably to the health and welfare of the people of California; and

WHEREAS, His enlightened administration, while being meticulous in its regard for the public health and safety, has been a substantial contributing factor in the development and improvement of the gigantic food packing and processing industry in California; and

WHEREAS, The Association of Food and Drug Officials of the United States duly considered all persons most worthy of receiving an award made on the occasion of the fiftieth anniversary of the enactment of the first federal food and drug law and the sixtieth anniversary of the founding of that association; and

WHEREAS, The association bestowed the award, which is named in honor of the author of the Nation's first pure food and drug law, upon Milton P. Duffy "In recognition of out-

standing service and devotion to duty in administering the food and drug laws of his state—and the leadership and guidance he has provided to his fellow workers throughout the Nation"; and

WHEREAS, The receipt of this award, and the 40 years of devoted and distinguished service which so richly merited it, has reflected the highest credit upon him, his bureau, and his fellow workers in the cause of protecting the vital public interest in pure and safe food and drugs; and

WHEREAS, It is fitting and proper that the Legislature and the people of the State express their appreciation to him for his long career devoted to their interests, and join the Association of Food and Drug Officials in honoring him; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature congratulates Milton P. Duffy on his receipt of the Harvey W. Wiley Award, commends him for the able administration and leadership which won that award, and expresses to him sincerest appreciation for four decades of devoted service to the people and State of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably engrossed copy of this resolution to Milton P. Duffy.

CHAPTER 88

Senate Joint Resolution No. 2—Relative to memorializing the Congress of the United States in relation to repealing the Transportation Excise Taxes.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, For the purpose of meeting wartime emergency necessity, the Congress of the United States enacted as excise taxes a levy upon the transportation of persons and property; and

WHEREAS, One of the principal purposes of levying such tax upon the transportation of persons was to discourage unnecessary wartime travel; and

WHEREAS, Today, 12 years after the cessation of hostilities, there continues a 10 percent levy on the transportation of persons and a 3 percent levy on the transportation of property; and

WHEREAS, It is the opinion of the Legislature of the State of California that excise taxes should not impose an unfair burden on the long distance shipper and the long distance traveler as does the present tax on the transportation of property and persons; and

WHEREAS, It should be a principle of federal taxation to levy taxes in such a manner as to prevent them from falling as an unequal burden on citizens residing in different areas of the Country; and

WHEREAS, The distances to, from and within the West impose an unfair burden on the western traveler and shipper; and

WHEREAS, The present transportation tax on property is unfairly burdensome upon the State of California as it adds what is in effect an additional tariff on the goods shipped from California to the eastern markets; and

WHEREAS, The development and preservation of open markets leads to the efficient development and stimulation of the agricultural resources of the Nation; and

WHEREAS, The State of California is particularly interested in preserving the eastern market as an open market in which the agricultural products of California may compete freely without hindrance of artificial barriers such as the present transportation tax; and

WHEREAS, The State of California is particularly interested in protecting and developing its vacation and tourist travel on an equal basis with other vacation travel areas; and

WHEREAS, The transportation of both persons and property plays such a vital role in the economic life of this Country to the extent that the costs of transportation should always be kept at the lowest possible level; and

WHEREAS, Transportation is in no sense a luxury but is a vital necessity and there is, therefore, sound reason for distinguishing between the transportation taxes and other excise taxes that are imposed upon luxury items; and

WHEREAS, It is the opinion of the Legislature of the State of California that the best interest of the Country and particularly the western states, who are now discriminated against by the present transportation taxes, would be served by a repeal of those taxes; and

WHEREAS, There is presently pending before the Congress of the United States legislation which would repeal the tax on transportation of property and which would repeal the tax on transportation of persons; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact into law such legislation or any other bill or bills which would accomplish the same purpose; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 89

Senate Joint Resolution No. 4—Relative to requesting the Commodity Credit Corporation to avail themselves of storage facilities in California.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, The United States Government has established the Commodity Credit Corporation as an instrument of the U. S. Department of Agriculture to administer the farm crop price support program including storage of farm crops and produce such as cheese, butter, powdered milk, other dairy products and beans, soya beans, rice, wheat, corn and feed grains; and

WHEREAS, There is a shortage of storage facilities in many areas where farm crops and products are produced and held in surplus storage by C. C. C.; and

WHEREAS, The shortage of storage facilities in some areas and the great quantity of commodities to be stored have caused the C. C. C. to purchase and operate millions of dollars worth of storage facilities and will force the purchase of still more millions of dollars worth unless maximum use is made of privately owned facilities; and

WHEREAS, These commodities can be stored, handled and distributed more advantageously through privately owned storage facilities; and

WHEREAS, California is deficient in corn, livestock and dairy products, wheat, food stuffs and many other commodities held in surplus storage by C. C. C.; and

WHEREAS, Many C. C. C. commodities in storage are susceptible to damage from high humidity and other climatic factors and California climatic and weather conditions are most favorable for successful handling, storage, and distribution of these commodities; and

WHEREAS, There is available in California an abundance of the most modern storage and port facilities suitable for the storage, handling and shipping of C. C. C. commodities; and

WHEREAS, C. C. C. has offered inducements to California warehousemen and elevator operators to build storage facilities including occupancy agreement; and

WHEREAS, C. C. C. is now and has been shipping many thousands of tons of these commodities to Japan and other eastern countries; and

WHEREAS, The storage, distribution and shipping of C. C. C. commodities through and in California will improve her economy and increase her export trade; and

WHEREAS, California ports, both inland river and ocean shore, are equipped with the most modern and efficient terminal storage, loading and unloading facilities for terminal to ship and ship to terminal handling of cargoes; and

WHEREAS, California based steamship and other transportation companies and port authorities need and solicit added stimulus to their economy; and

WHEREAS, Shipments destined for Pakistan, Japan and other adjacent countries enjoy a lesser ocean going freight rate from California ports than from eastern or gulf ports and this rate advantage is as much as ten dollars ($10) per ton; and

WHEREAS, Further economic aid to the Middle East as proposed by President Eisenhower will greatly stimulate the movement of C. C. C. commodities to that area; and

WHEREAS, California is a target area in case of attack by foreign enemy which entitles her to and indicates the wisdom of having abundant amounts of all foodstuffs under control of C. C. C. stored at strategic points within the State for the convenience, protection and preservation of her citizens; and

WHEREAS, Vast quantities of rice, dairy products, corn, wheat and other commodities held in surplus by C. C. C. are being used in the school lunch program in California; now, therefore, be it

Resolved by the Senate and the Assembly jointly, That the Members of Congress in the California delegation are memorialized to urge the Secretary of Agriculture, Honorable Ezra Taft Benson and his administrative assistants in Commodity Credit Corporation to avail themselves of all storage facilities in California which meet their health and sanitation standards and which can be used in accordance with economic feasibility practices of the C. C. C.; and be it further

Resolved, That copies of this joint resolution be sent to each member of the California delegation in Congress and to U. S. Senators Knowland and Kuchel and to Secretary of Agriculture Ezra Taft Benson; Jack Anderson, Agricultural Assistant to President Eisenhower; Walter Burger, Administrator of C. S. S.; Marvin L. McLain, Assistant Secretary of the Department of Agriculture; Clarence Palmby, Director of the Division of Grain of C. S. S.; and to Francis S. Daniels, General Sales Manager of C. S. S.

CHAPTER 90

Senate Joint Resolution No. 5—Relative to a stamp commemorating the 100th anniversary of the first land survey in Death Valley.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, Matters of historic and national importance are fitting subjects for commemorative issues of United States postage stamps; and

WHEREAS, This year marks the 100th anniversary of one of the most difficult land surveys, that of the land survey of the great Death Valley; and

WHEREAS, This survey is now used to delineate the Death Valley National Monument, one of the most unique of all our national monuments; and

WHEREAS, Not only has the proposal to issue such a commemorative stamp received the wholehearted support of citizens from all walks of life who have learned to love the unique and magnificent grandeur of Death Valley and who especially appreciate the tremendous undertaking of those original surveyors but is also supported by the Honorable Governors of the State of California and of the State of Nevada; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the Postmaster General to provide for a commemorative stamp honoring the 100th anniversary of the first land survey of Death Valley; and be it further

Resolved, That the Secretary of the Senate shall transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Postmaster General, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 91

Senate Joint Resolution No. 11—Relative to discrimination against the Greater San Francisco Bay area in the allocation and continuance of defense industries and military facilities.

[Filed with Secretary of State, January 25, 1957]

WHEREAS, It has come to the attention of the Legislature of the State of California that tentative plans of the military departments of the Federal Government would curtail the development of defense industries in the San Francisco Bay area, would prevent the establishment of new military bases of operations there, and would cause the discontinuance of facilities of the Army, Navy, and Air Force that have been established in, and supported by, that area for many years; and

WHEREAS, Specific examples of this calculated discrimination are the reluctance of the Department of Defense to approve the projected plans of the Boeing Aircraft Company to manufacture Bomarc guided missiles at an established plant in Richmond, California, or at a new plant to be constructed in Alameda County, California, and the discontinuance of Letterman Army Hospital as a 1,500-bed facility at the Presidio of San Francisco; and

WHEREAS, Maintenance and continued development of industry in the Bay area is absolutely essential to the economic balance and well-being of California and the West; is vital in that area in view of the marked need for additional employ-

ment opportunities there; and is necessary to sustain the economic and industrial facilities that have heretofore been concentrated in that area; and

WHEREAS, The proof of the incomparable suitability of the San Francisco Bay area as a site for continuance and expansion of defense industries and military facilities is found in the long-standing policy of concentrating these industries and facilities in that area and in the expressed preference of manufacturers for locations there; and

WHEREAS, Although a stringent dispersal policy to guard against the eventuality of an enemy attack is assigned as the basis for this discrimination, it is demonstrable that, in instances in which industrial operations or military facilities were denied to that area, no consideration whatever was given to alternative sites within the area but well outside the concentration of activities that might be the target of an enemy attack; the most recent example of this practice is the failure of the Department of Defense to consider, in connection with possible sites for the Boeing plant, locations such as the Livermore Valley, which are ideally suited for the operations of defense industries, but are concealed and removed from the concentration that might constitute an enemy target; and

WHEREAS, As dispersal from that concentration for defense and military purposes is completely compatible with the dispersed industrial pattern that is evolving and will continue to develop in the general area, the needs of national defense and the requirements of that industrial community can be accommodated; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California respectfully memorializes the President of the United States and the Secretary of Defense to cause action to be taken to remove the stringent discrimination against the Greater San Francisco Bay area in the allocation and continuance of defense industries and military facilities; to insure that efforts are made to accommodate the vital requirements of that area with the demands of the dispersal policy; and to obtain reconsideration of recent decisions of the military departments which would have catastrophic effects upon the economy of the San Francisco area; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 92

Assembly Concurrent Resolution No. 33—Relative to the leasing of the State's tide and submerged lands for the production of oil and gas.

[Filed with Secretary of State, January 26, 1957]

WHEREAS, Various staff members of the State Lands Commission testified before the Subcommittee on Conservation and Development of Hydrocarbon Products on State Lands of the Assembly Interim Committee on Conservation, Planning, and Public Works that they are in favor of a revision in the provisions of the present law which require a flat royalty return to the State on oil and gas leases on state lands not within the known geological structure of a producing oil and gas field and to authorize instead a sliding scale royalty with respect to oil and gas leases on such lands, and have made recommendations to that effect to the State Lands Commission; and

WHEREAS, Assembly Bills Nos 36 and 47 have been introduced by Assemblyman Allen Miller, chairman of the subcommittee, and Assembly Bill No. 40 by Assemblyman Joseph Shell, one of the authors of the Cunningham-Shell Tidelands Act of 1955, which act governs the leasing for oil and gas production of the State's tide and submerged lands; and

WHEREAS, These bills relate to the production of oil and gas from state lands and reflect the recommendations of the subcommittee on this subject; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the State Lands Commission not to offer any tide and submerged lands for leasing for the production of oil and gas or to grant any oil and gas leases with respect to such lands until the Legislature has completed its considerations of the pending proposals to revise the law governing this subject; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the members of the State Lands Commission and to its executive officer.

CHAPTER 93

Assembly Concurrent Resolution No. 39—Relative to adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State, January 26, 1957]

WHEREAS, Section 2 of Article IV of the Constitution of this State requires that, after the Legislature has been in session for a period of not exceeding 30 days, a recess must be taken

by both houses for a period of not less than 30 days; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the 1957 Regular Session of the Legislature of the State of California shall adjourn for said recess at 5 o'clock p.m. on the twenty-fifth day of January, 1957, and shall reassemble at 12 o'clock m. on March 4, 1957.

CHAPTER 94

Assembly Concurrent Resolution No. 56—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, Each department of the government of this State is accountable to the Federal Government for the payment of the withheld tax which is deducted from the salaries of the officers and employees of such departments, and discharges its responsibility in this respect through its own fiscal officer; and

WHEREAS, The State Controller has customarily been designated by concurrent resolution as accounting officer of the Legislature for such purposes, and has been designated by statute to make deductions under the Legislators' Retirement Law; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Controller be and he is hereby designated as the accounting officer for the Legislature and each house thereof, and authorized to maintain accounts of amounts paid to the Members of the Legislature, attaches thereof, and attaches and employees of such committees of the Legislature as may from time to time exist for purposes of making deductions and filing returns with the Federal Government in connection with the withheld tax or any other tax that may provide for salary deductions, and for purposes of making deductions and filing returns of retirement and other deductions provided by law, and other purposes; and be it further

Resolved, That there is hereby made available from the Contingent Funds of the Assembly and Senate, equally, amounts for the purpose of defraying expenses of the Controller in carrying out the duties imposed upon him by this resolution, as determined by the Rules Committees of the Assembly and Senate; to be disbursed, after approval by the Chairman of the Rules Committee of the Assembly and the Chairman of the Rules Committee of the Senate, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall become effective February 1, 1957, and shall be of no further force or effect after January 31, 1959.

CHAPTER 95

Assembly Concurrent Resolution No. 62—Relative to congratulating Mr. Edwin Harbach.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, The Members of the Legislature have learned of the retirement in June, 1956, of Mr. Edwin Harbach, who so capably served as President of the University of California Alumni Association, and, as the alumni representative on the Board of Regents of the University, played an outstanding part in directing the destinies of that great institution of learning; and

WHEREAS, Mr. Harbach as the official delegate of the more than 200,000 former students gave unstintingly of his time and efforts in effectively representing the interests of the alumni organizations; and

WHEREAS, During his tenure as president, the California Alumni Association maintained a significant and diversified program of activities, including club activities in virtually every major community in the State and in many cities throughout the world; a scholarship program for incoming students; publication of the California Monthly, the association's official magazine; operation of the association's famous summer camp at Pinecrest; and educational institutes and other special events for the service of alumni and the university; and

WHEREAS, Under his dynamic leadership the association's scholarship program set an all-time high record by awarding in one year 287 scholarships to graduates of high schools and junior colleges throughout the State, with more than thirty-six thousand eight hundred dollars ($36,800) of the fifty-six thousand eight hundred seventy-five dollars ($56,875) value of the scholarships being contributed by alumni; and

WHEREAS, During Mr. Harbach's presidency and under his astute guidance, the University of California Alumni Association carried on a program of special activities directed toward the creation of an understanding on the part of the University of California's alumni and the people of the State of the crisis in higher education in the State and the impact of that crisis on the University of California, a project for which the University of California Alumni Association received the second annual alumni service award from the American Alumni Council, the highest honor that organization can bestow; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California extends to Mr. Edwin Harbach its heartiest congratulations upon his retirement from the presidency of the University of California Alumni Association and the highest commendation for his distinguished career of service to the

alumni and to the Regents of the University of California, together with best wishes for a continued active and happy life; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit a suitable copy of this resolution to Mr. Edwin Harbach.

CHAPTER 96

Assembly Concurrent Resolution No. 63—Relative to the use of parking facilities under the control of the Sixth District Agricultural Association.

[Filed with Secretary of State, January 26, 1957]

WHEREAS, There exists in metropolitan areas throughout the State an acute need for convenient public parking facilities; and

WHEREAS, Such a need exists in the City of Los Angeles in general including the neighborhood surrounding the Los Angeles Memorial Coliseum in particular; and

WHEREAS, The extensive parking facilities under the control of the Sixth District Agricultural Association if made available to the public in connection with state, city, and county activities not in conflict with events scheduled in the Los Angeles Memorial Coliseum could greatly contribute to relieving the mentioned acute need for convenient parking facilities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Board of Directors of the Sixth District Agricultural Association be requested to make the parking facilities under their control available in connection with state, city, and county activities at times which do not conflict with scheduled events in the Los Angeles Memorial Coliseum; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Board of Directors of the Sixth District Agricultural Association and to the Director of the Department of Finance.

CHAPTER 97

Assembly Concurrent Resolution No. 64—Commending Judge Murray Filand of Taft, and congratulating him on being named "Man of the Year in Traffic Safety."

[Filed with Secretary of State, January 26, 1957]

WHEREAS, The necessity of abating the slaughter that transpires daily on the streets and highways of the Nation has recently been called to the attention of all citizens by appeals of the President of the United States and the Governor of California; and

WHEREAS, In spite of all that has been done to publicize the menace of automobile accidents and bring it under control, the menace magnifies each year leaving death, suffering, and poverty in its wake; and

WHEREAS, The taking of forceful and effective action to remove this specter from the American road is to be recognized and commended; and

WHEREAS, Judge Murray Eiland of Taft, California, has drawn state-wide attention to the absolute imperativeness of lifting this blight on the motoring age, by imposing jail terms on flagrant violators of the speed laws; and

WHEREAS, Judge Eiland has thus immeasurably contributed to the efforts of the California Highway Patrol to bring greater safety to the particularly dangerous Grapevine Grade and has, by his courageous and forceful action, set an example that might well be emulated throughout the State and Nation; and

WHEREAS, He has accordingly been selected as Kern County's "Man of the Year in Traffic Safety" and will, on an appropriate occasion, be presented with a special trophy and letters of commendation from the California Highway Patrol, Kern County Board of Supervisors, Bakersfield Chamber of Commerce, Kern County Board of Trade, Taft Chamber of Commerce, Kern County Safety Council, California Trucking Association, and Sheriff LeRoy Galyen of Kern County; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature by this resolution join with the leading organizations of Kern County in commending Judge Murray Eiland for his significant contributions toward safety on the highways and congratulate him on being named "Man of the Year in Traffic Safety"; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to forward a suitably engrossed copy of this resolution to Judge Eiland.

CHAPTER 98

Assembly Concurrent Resolution No. 69—Relative to the passing of the Honorable R. Fred Price.

[Filed with Secretary of State, January 26, 1957]

WHEREAS, The Members of the Legislature are deeply grieved to learn of the death of one of their former members, Honorable R. Fred Price from Upland; and

WHEREAS, Mr. Price was born August 6, 1890, on a farm in North Dakota, and educated in that great pioneer American school "the little red schoolhouse"; and

WHEREAS, He moved to Ontario, California, in 1913 and entered the life of the community as a businessman. He soon

gained recognition as an outstanding citizen, respected for his ability and admired for his character; and

WHEREAS, He enlisted in the Aviation Section of the United States Army Signal Corps during World War I, where he served with distinction, returning home after the war to reestablish his business; and

WHEREAS, He retired from business in 1935 but continued to serve his community and the State of California in many capacities including service as the first Chairman of the Ontario Rationing Board, first President of the Business Men's Association, Past President of the Rotary Club, a member of the Bethel Congregational Church, Elks, Masons, Trustee of the Board of the Boy Scouts; and

WHEREAS, His distinguished career in public office began in 1928 when he was elected a member of the City Council of the City of Ontario; and

WHEREAS, He was elected to the Assembly in 1942, reelected in 1944, 1946, and 1948, and served as Chairman of the Standing Committee on Crime and Correction; now therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature express their regret and personal sorrow at the loss of so able a citizen and public servant; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his wife and family as an expression of the heartfelt sympathy of all Members of the Legislature of California.

CHAPTER 99

Assembly Concurrent Resolution No. 71—Relative to augmenting the funds of the Joint Legislative Audit Committee for the 1957-1958 Fiscal Year.

[Filed with Secretary of State, January 26, 1957]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available, the sum of three hundred seventy-four thousand seven hundred fifty dollars ($374,750), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur during the 1957-1958 Fiscal Year, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 100

Assembly Concurrent Resolution No. 72—Relative to augmenting the funds of the Joint Legislative Audit Committee.

[Filed with Secretary of State, January 26, 1957]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available, the sum of twenty-five thousand dollars ($25,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 101

Assembly Concurrent Resolution No. 73—Approving amendments to the charter of the County of San Bernardino, State of California, ratified by the qualified electors of said county at an election held therein on the fifth day of June, 1956.

[Filed with Secretary of State, January 26, 1957.]

County of San Bernardino Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of said county, as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.

Certificate

Certificate of County Clerk of the County of San Bernardino, State of California, and the Chairman of the Board of Supervisors of San Bernardino County, State of California, as to the adoption and ratification of certain amendments to the Charter of said County of San Bernardino, submitted to the qualified electors of said County on the 5th day of June, 1956.

PREAMBLE

BE IT KNOWN THAT:

WHEREAS, the County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and acting under

and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California, on the 7th day of April, 1913; (Statutes 1913, page 1652, et seq.), and

WHEREAS, on the third day of April, 1956, the Board of Supervisors of said San Bernardino County, by Ordinance No. 785, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County certain amendments to the charter of said County by the submission of certain proposals for such amendments to said electors at a special election to be held and conducted on the fifth day of June, 1956, for ratification or rejection, and further ordered that said special election be consolidated with the Primary Election to be held on said day and that all precincts established, and all election officers appointed for said Primary Election should be the precincts and the election officers for said special election and that said election officers should conduct said election and make return thereof according to law; that all applicable provisions of Section 7½ of Article XI of said Constitution were complied with; and

WHEREAS, the Board further duly ordered that said proposals should be forthwith published ten times in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposals, said proposed amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and,

WHEREAS, thereafter, said proposals were duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: April 9th to April 18th, 1956, inclusive, and as often during said time as said newspaper was regularly published; and said primary election at which said proposals were submitted to the vote of the qualified electors of said County was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and

WHEREAS, said Board of Supervisors duly prescribed the form and title of each of said proposals to be printed on the primary election ballot to be used at said primary election for the submission of said proposals, which said forms and titles are hereinafter set forth, and in which said form and under which said title each of said proposals appeared on said ballots; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to June 5th, 1956, the County Clerk of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposals would be submitted to the

qualified electors of said County at said primary election to be held June 5th, 1956, and said Clerk, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and on said notice, said proposals each appeared in the form and by the title so prescribed by said Supervisors and each in the form and by the title each of said proposals appeared upon said ballot; and,

WHEREAS, at said primary election said proposals were duly submitted to the vote of the qualified electors of said County, as Propositions B, C, D, E, F, G, H, I, J, K and L, and appeared on the primary ballot at said election;

And opposite each of said proposals to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereafter and in addition thereto; said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of County charters; and,

WHEREAS, the County Clerk of said San Bernardino County mailed a printed copy of each of said proposed Amendments enclosed in an envelope with a sample ballot, to each qualified elector within said County of San Bernardino, at least ten days prior to the said 5th day of June, 1956; and,

WHEREAS, the returns of said primary election held in the County of San Bernardino on the said June 5th, 1956, at which election said proposals were submitted to the vote of the qualified electors of said County, were made to and canvassed by the County Clerk of said County of San Bernardino, as ordered by said Board of Supervisors, and duly certified to the Board of Supervisors, and it appeared therefrom and was so declared by the Board of Supervisors that at said election a majority of the qualified voters voting thereon voted in favor of Propositions C, D, H, I, J, K and L, and against Propositions B, E, F, and G; and said Board of Supervisors thereupon ordered and declared that said Propositions C, D, H, I, J, K and L were ratified; and,

WHEREAS, said Propositions so ratified as amendments to said County Charter by the electors of the County of San Bernardino, at said primary election held on June 5th, 1956, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, the undersigned, S. Wesley Break, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and Harry L. Allison, County Clerk and ex-officio Clerk of the Board of Supervisors, San Bernardino

County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said Charter of said County, so ratified by the majority of the electors voting thereon at said primary election held on the 5th day of June, 1956, as submitted to said electors are in the words and figures as follows, and are and shall, if so approved by said Legislature be in the words and figures following, to-wit:

"CHARTER AMENDMENT NUMBER TWELVE

PROPOSITION C

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twelve, adding a new section to Article II to be designated as Section 9 to read as follows:

County counsel

Section 9. There is hereby established the office of County Counsel. He shall act as legal adviser and counsel for the various county officers, boards and commissions as prescribed by general laws. The County Counsel shall be a duly qualified and licensed attorney, admitted to practice in all the courts of the State of California. The County Counsel shall be appointed by the Board of Supervisors from an eligible list certified by the Civil Service Commission in the manner provided by law and regulations of the Civil Service Commission."

"CHARTER AMENDMENT NUMBER THIRTEEN

PROPOSITION D

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Thirteen, adding a new section to Article II to be designated as Section 10 to read as follows:

Registrar of voters

Section 10. There is hereby established the office of Registrar of Voters. The Registrar of Voters shall have the powers and duties of supervision of all elections now vested by general law in the County Clerk. The Registrar of Voters shall be appointed by the Board of Supervisors from an eligible list certified by the Civil Service Commission in the manner provided by law and the regulations of the Civil Service Commission."

"CHARTER AMENDMENT NUMBER SEVENTEEN

PROPOSITION H

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Seventeen, by amending Section 2 of Article V to read as follows:

Section 2. Every such officer other than the auditor shall at least yearly or at such other times deemed necessary by the auditor or as called for by the Board of Supervisors, within five days make and file with the auditor for such period, a report showing in detail all accessions to property of or pertaining to his office, during such period, and how and from whom acquired, and also showing in detail what property of or pertaining to his office, has during such period been lost, destroyed, consumed, transferred and to whom, or otherwise disposed of. The auditor, within five days, shall make and file a like periodic report as to his office with the Board of Supervisors." Report of accessions to property, etc

"CHARTER AMENDMENT NUMBER EIGHTEEN

PROPOSITION I

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Eighteen by amending Section 6 of Article V to read as follows:

Section 6. It shall be the duty of the Auditor to make thorough inspection and examination, from time to time, and not less than three times each year, of all books and accounts of all other county officers and of all judicial district officers and of officers of all special districts whose funds are under the custody and control of the County. A committee for each department composed of the Auditor, a member of the Board of Supervisors and the department head affected, shall prescribe in writing as to each county office such rules, regulations, forms, and methods as to keeping the accounts thereof, and as to making the reports and accounts hereinbefore provided for, as the committee shall consider necessary, and it shall be the duty of each county officer to comply therewith." Inspection of books of county officers, etc

"CHARTER AMENDMENT NUMBER NINETEEN

PROPOSITION J

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Nineteen by amending the first paragraph of Section 1 of Article VII to read as follows:

Section 1. In all cases in which the Board of Supervisors is authorized by law or by this Charter to fix the compensation of any elective officer, such compensation shall be fixed prior to the election of such officer, and shall not be increased or diminished during the term for which such officer shall be elected." Fixing of compensation

"CHARTER AMENDMENT NUMBER TWENTY

PROPOSITION K

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twenty by amending Section 3 of Article VII to read as follows:

Salaries When payable and earned

Section 3. All annual salaries of officers, assistants, deputies, clerks and attaches, whether fixed by general law or by this Charter or by the Board of Supervisors, shall be payable in equal bi-weekly or other period installments as determined by the Board of Supervisors. Salaries shall be considered earned at the last working hour of the payroll period."

"CHARTER AMENDMENT NUMBER TWENTY-ONE

PROPOSITION L

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twenty-one by adding a new section to Article 2½ to be designated as Section 6 to read as follows:

County Board of Education

Section 6. The County Board of Education is hereby established. Members of the County Board of Education shall be elected at such times, for the terms and in the manner provided by general law. They shall have such qualifications and shall receive such compensation for their services as may be provided by general law."

AND WE FURTHER CERTIFY HEREBY that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true,

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California, to approve said amendments to said charter as a whole, and to take other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 2nd day of January, 1957.

S. WESLEY BREAK
(SEAL) Chairman of the Board of Supervisors,
San Bernardino County,
State of California.

ATTEST:
HARRY L. ALLISON, County Clerk
and Ex-officio Clerk of the
Board of Supervisors,
San Bernardino County,
State of California.
By WALTER V. COMBS, Deputy

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the County of San Bernardino, as presented to and adopted and ratified by the electors of said county, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of said County of San Bernardino. Approval

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CHAPTER 102

Assembly Concurrent Resolution No. 77—Honoring and congratulating Wasco, California, its officials and its citizens, on the occasion of the Wasco Golden Jubilee.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, It has come to the attention of the Legislature that on May 17 and 18, 1957, the City and Community of Wasco will celebrate and commemorate its fiftieth anniversary; and

WHEREAS, Wasco, strategically located in the heart of the southern inland empire, was founded in 1907 at the site of a railroad stop known as Deweyville by the hardy band of pioneers who were attracted to the area by its vast expanse of richly endowed farm land; and

WHEREAS, The vision of those pioneers has reached fruition in the agricultural mecca that Wasco is today; from the fertile fields of the surrounding area flow the cotton, potatoes, sugar beets, alfalfa, and assorted grains, that comprise the fabled agricultural wealth of the San Joaquin Valley; the 15,000 energetic and progressive citizens who now inhabit the area, including progeny of many of the pioneer families, have added the diversified industries allied to this agricultural fountain of plenty; the petroleum and mineral wealth of nearby areas has been tapped by these resourceful people and has been made to contribute to the prosperity and progress of the community; and

WHEREAS, Through the foresight, industry, and resourcefulness of its founders and inhabitants, Wasco has grown from its humble beginnings to a prosperous community of tree-lined streets, attractive residences, and modern shopping districts; and

WHEREAS, Along with this progress and development the community continues to make way for tomorrow and lay the

groundwork for the richer fulfillment of the bright promise awaiting all who confide in its future; and

WHEREAS, The people of the area and their visiting brothers from throughout the State will fittingly celebrate the community's half century of progress in a regal Golden Jubilee to be held on Saturday and Sunday, the seventeenth and eighteenth of May, and to include a rodeo, aquacade, parade, carnival, class reunions, oldtimers' banquet, and California's traditional test of manhood known as a "whiskerino"; and

WHEREAS, The people of the State of California join with the citizens of Wasco in the celebration of the fiftieth anniversary of this community's founding and share their festive spirit and well-founded expectations for the future; and

WHEREAS, It is fitting and proper that the Members of the Legislature announce the pride they take in commending a community that might well be regarded as symbolic of the spectacular development and unlimited horizons of the entire State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature honors Wasco for its half century of progress, commends its citizens and officials, and wishes them every success on the occasion of the celebration of the Wasco Golden Jubilee and in their bright future; and be it further

Resolved, That the Chief Clerk of the Assembly is instructed to forward a suitably engrossed copy of this resolution to the Mayor of Wasco and to the Wasco Chamber of Commerce and Agriculture.

CHAPTER 103

Assembly Concurrent Resolution No. 78—Relative to the celebration of Saint Casimir's Day.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, On March 4th many Californians of Lithuanian antecedents will join together in the traditional annual celebration of Saint Casimir's Day; and

WHEREAS, The arrival of Saint Casimir's Day in this year of 1957, while offering an opportunity for reflection upon the past glories of this ancient nation on the shores of the Baltic Sea, particularly those achievements of recent years before the outbreak of World War II when Lithuania flourished as a free and independent republic, also will be a time of sorrowful concern over the present fate of that beleaguered state, now trapped behind the Iron Curtain, her sons and daughters cruelly oppressed, murdered, and exiled from the fields, forests and marshes of the homeland to the frozen wastes of Siberia; and

WHEREAS, A focal point of the Saint Casimir's Day activities will be Saint Casimir's Roman Catholic Church in the

City of Los Angeles, the only Lithuanian parish west of Omaha, Nebraska; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California wish to express their best wishes to those loyal Americans of Lithuanian birth or descent on the occasion of Saint Casimir's Day, 1957, and to join them in the fervent hope that all the suffering peoples of Eastern Europe will soon be free of the rule of might and tyranny; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit a suitable copy of this resolution to the Reverend John Kucingis, pastor of Saint Casimir's Church.

CHAPTER 104

Assembly Concurrent Resolution No. 81—Commending Joseph P. McSorley.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, It has come to the attention of the Legislature that Joseph P. McSorley is retiring after a career of 50 years as a newspaperman; and

WHEREAS, Mr. McSorley joined the staff of the San Mateo Times in 1928, becoming editor in 1933, a position which he has held to the present time; and

WHEREAS, Under his forceful leadership the Times has risen from the ranks of a small newspaper to its position as a leading daily newspaper in the San Francisco Bay area, increasing in circulation from 4,277 in 1928 to today's circulation in excess of 25,000; and

WHEREAS, It was largely through Editor McSorley's effective work that the people of the area were roused to adopt a county charter permitting the county manager form of government; and

WHEREAS, Under his editorship the Times campaigned for numerous improvements in the San Mateo city government, battled for better schools, zoning, trucking regulations, recreation facilities, and other projects of vital concern to residents of the county; and

WHEREAS, In addition to his well-deserved reputation as a sincere, public-spirited citizen, he has made a name for himself among newsmen as an exacting but fair employer and a stanch friend of his reporters; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly congratulate Joseph P. McSorley on his half century of outstanding service to the people of his community, and wish him many years of good health and happiness in his retirement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Mr. Joseph P. McSorley.

CHAPTER 105

Assembly Concurrent Resolution No. 83—Commending William J. McFarland, Chairman of Aid Incorporated.

[Filed with Secretary of State, January 26, 1957]

WHEREAS, Aid Incorporated is a national organization dedicated to the promotion of good will throughout the world by spreading American ideals of democracy and to assisting the needy people of the world through distribution of food, medical supplies, wearing apparel, and other necessities of life; and

WHEREAS, William J. McFarland of San Diego has been instrumental in the organization and development of a chapter of this benevolent association for the State of California and is the chairman of the chapter and a guiding force in the good works it has undertaken; and

WHEREAS, He, and the organization he directs, are engaged in the noble project of assisting in every way possible those gallant people who have fled from their homes in Hungary in search for freedom; and

WHEREAS, This rendering of aid to the Hungarian refugees in their hour of need is in keeping with the aspiration of the President of the United States and of all Americans to alleviate the suffering of unfortunate people throughout the world and to aid in the defense of the dignity of man; and

WHEREAS, It is fitting and proper that the people and the Legislature of the State of California express their appreciation to him for his unselfish efforts in organizing Aid Incorporated, and his able leadership in furthering the worthy undertakings of that association; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That William J. McFarland be commended for his effective labors in behalf of the Hungarian refugees and other unfortunate people; that he be congratulated on the successful organization of a permanent association dedicated to the service of mankind; and that the appreciation of the Members of the Legislature for his leadership in such an enlightened cause be conveyed to him; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably engrossed copy of this resolution to Mr. William J. McFarland, Chairman, Aid Incorporated, San Diego, California.

CHAPTER 106

Assembly Concurrent Resolution No. 84—Approving certain amendments to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said

city at a special municipal charter amendment election consolidated with the general election of the State of California held therein on the sixth day of November, 1956.

[Filed with Secretary of State, January 26, 1957.]

City of Alameda Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALAMEDA OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.
CITY OF ALAMEDA }

Certificate

We, the undersigned, Raymond P. Kranelly, Mayor of the City of Alameda, and Shirley H. Tennier, City Clerk of the City of Alameda, do hereby certify and declare as follows:

That the City of Alameda, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the 5th day of May, 1937, has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 29th day of April, 1937, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of May, 1937 (Statutes of 1937, page 2880).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Alameda, being the legislative body thereof, by its Resolution numbered 5431 adopted on August 21, 1956, duly and regularly submitted to the qualified electors of said City two certain proposals to amend the Charter of the City of Alameda and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 6th day of November, 1956, and consolidated with the General Election of the State of California to be held in said City on said 6th day of November, 1956.

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Alameda on the 20th day of September, 1956, in the Alameda Times-Star, a

newspaper of general circulation published daily except Sunday in the said City of Alameda and the official newspaper of said City, and in each edition thereof during said day of publication.

That said Council caused copies of said proposals to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on October 5, 1956, advertised in said Alameda Times-Star daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said proposals could be had on application therefor at the office of the City Clerk of said City and that printed copies of said proposals were on hand and could be had on application therefor at said office of said City Clerk from October 5, 1956, up to and including the day fixed for said election.

That said special municipal charter amendment election consolidated with the General Election of the State of California were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 6th day of November, 1956, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said Alameda Times-Star.

That the Council of said City of Alameda did, in the manner provided by law, duly and regularly canvass all ballots cast at said special municipal charter amendment election consolidated with the General Election of the State of California, as aforesaid, and did, by resolution duly adopted on January 2, 1957, duly find and declare that a majority of the qualified voters voting on each of said proposals voted in favor thereof and that both of said proposals to amend the Charter of said City were ratified.

That a majority of the qualified voters voting on each of said proposals voted in favor of the ratification of and did ratify said proposals to amend said charter of said City.

That said charter amendments so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election are in the words and figures following, to-wit:

PROPOSAL NO. 1

(a) By amending Section 10-2 of Article X thereof, to read as follows:

Membership of boards

"Sec. 10-2. Each of said Boards, except the Public Utilities Board, Social Service Board and the City Planning Board, shall consist of five members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, one member of each such Board for a term commencing on the first day of July following such appointment

and continuing for five years, and thereafter until the successor of such member is appointed and qualified."

(b) By adding Section 10-4.1 to Article X thereof, to read as follows:

Sec. 10-4.1. The City Planning Board shall consist of seven members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, such members as are necessary to maintain a full Board, for terms commencing on the first day of July following such appointment and continuing for three years and thereafter until the successor of such member is appointed and qualified; provided, however, that at such time as this amendment becomes fully operative seven members shall be appointed, two of whom shall be appointed for the period of one year, two of whom shall be appointed for a period of two years, and three of whom shall be appointed for a period of three years, the duration of said appointments to commence on July 1 next succeeding the operative date of this amendment; all succeeding appointments shall be for a period of three years." City Planning Board

PROPOSAL NO. 2

By adding Section 3-19 to Article III, which shall read as follows:

"Sec. 3-19. The Council may consent to, or provide by contract or in any other manner, for the transfer to the County of Alameda of any or all of the public health and sanitation functions and services provided for by Charter or Ordinance of the City of Alameda or by State or Federal law, rule or regulation, and for the assumption, enforcement, observance and performance thereof by Alameda County officers and employees; provided that, upon such transfer, employees of the City of Alameda Health Department who are not continued in City of Alameda employment are tranferred to the employ of the County of Alameda with the protection hereinafter in this section provided The Council is authorized to provide that all or any City of Alameda Health Department employees be transferred to and become employees of the Alameda County Health Department with full accredited status as members of the County Civil Service. The Council also is authorized to provide that such transferred employees shall retain credit under the Alameda Municipal Employees' Retirement System, or any other retirement system entered into by the City of Alameda for and on behalf of the employees of the City of Alameda, as provided for by any ordinance or resolution of the City of Alameda, for service with which they were entitled to be credited at the date of transfer, or that instead such service be credited under the Alameda County Employees' Retirement System in the same manner and with the same effect as if it were service credited under such system as having been rendered as employees of Alameda County. To effect such credit of service, the Council may take all nec- Transfer to County of Alameda of public health and sanitation functions, etc

essary action, regardless of the length of service credited to such employees. Specifically, but without limiting the foregoing authorization, the Council may provide for the retention in the Municipal Retirement System for contributions made by such transferred employees, plus credited interest, in the same manner and with the same effect as is provided under such System for employees upon resignation or discharge who are entitled to be credited with ten years of service, or it may pay to the County or otherwise allocate any funds, including such transferred employees' contributions plus credited interest, and contributions made by the City and held on behalf of such transferred employees by such Municipal Retirement System. The City may compensate the County, as necessary, either directly from any City funds or indirectly by County's retention of fees, fines, forfeitures or penalties paid or payable under City Ordinance, for making inspections and for the performance by County officers or employees of functions in the enforcement of City Ordinances relating to public health and sanitation. The Council shall provide, as necessary, for the continued employment of such Health Department personnel as are not transferred to the County, without prejudice to the acquired employment rights of such employees Any and all powers, duties and functions of the City so transferred to the County pursuant to this section shall, to the extent of their assumption, performance, observance and enforcement by the County, be deemed suspended and not a duty or function of the City for the duration of such transfer. The City has and the Council shall reserve in any agreement with the County the right to terminate any transfer made pursuant to this section, and to reassume any or all of the transferred functions. This section shall be paramount to any other Charter provision in conflict therewith."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Alameda with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the Charter of the City of Alameda are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to both of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Alameda to be affixed hereto this 22nd day of January, 1957.

RAYMOND P. KRANELLY
(SEAL) Mayor of the City of Alameda
SHIRLEY H. TENNIER
City Clerk of the City of Alameda

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Alameda as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Alameda. Approval

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CHAPTER 107

Assembly Concurrent Resolution No. 85—Relative to the display of flags on Labor Day.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, The first Monday in September of each year known as "Labor Day" has for many years been a state holiday under the laws of this State; and

WHEREAS, This day is deeply embedded in our traditions; and

WHEREAS, This day should be commemorated in all ways possible; and

WHEREAS, On this day the Flag of the United States and the Flag of this State should be prominently displayed upon or in front of state buildings or grounds and other buildings and grounds to the greatest extent possible; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring, That the Flag of the United States and of this State shall be prominently displayed during Labor Day upon or in front of all state buildings or grounds where such flags are now required to be displayed during business hours and where state personnel are on duty on such day to raise and lower such flags; and be it further

Resolved, That such flags be also displayed on other public buildings or grounds, and on private buildings and grounds, to a like or similar extent, so far as practicable, as during the fourth day of July known as Independence Day, and the fourteenth day of June known as Flag Day.

CHAPTER 108

Assembly Concurrent Resolution No. 86—Relative to the establishment of a lunchroom for Members of the Legislature in the State Capitol Building.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, There are at present no facilities available in the State Capitol Building in the nature of a lunchroom for the exclusive use of the Members of the Legislature; and

WHEREAS, The present lunchroom facilities on the sixth floor of the Capitol Building are established principally for the many employees of the State working in the various offices throughout the Capitol Building; and

WHEREAS, During sessions of the Legislature the present lunchroom facilities are inadequate to accommodate the great increase in patronage resulting from the presence in the State Capitol of Members of the Legislature, their employees, and the many other persons interested in the legislative business conducted, as well as a multitude of visitors; and

WHEREAS, In order that the extra time, effort, and mental and physical strain necessarily expended or incurred by Members of the Legislature in conducting legislative business be minimized, it is essential that they have available, for their exclusive use and in close proximity to their offices, lunchroom facilities separate and apart from those now available to state employees and members of the public; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Capitol Committee is directed to undertake a study of the cost and feasibility of and the availability of space for the establishment, on the sixth floor of the Capitol Building of a lunchroom for the exclusive use of the Members of the Legislature; and the committee is further directed to report to the Legislature the results of this study on or before March 10, 1957.

CHAPTER 109

Assembly Joint Resolution No. 6—Relative to prohibiting juveniles, unaccompanied by a parent or guardian, from crossing the United States-Mexico border without a permit for such purposes.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, A bill (H. R. 5108) was introduced in the Eighty-fourth Congress of the United States by Representa-

tive Robert C. Wilson of California which would have required that a juvenile either have a proper permit issued by the United States Attorney General or be accompanied by a parent or guardian before he could cross the border into Mexico; and

WHEREAS, Representative Wilson intends to introduce a similar measure in the Eighty-fifth Congress of the United States; and

WHEREAS, Many juveniles are entering Mexico for the sole purpose of gaining easy access to illicit drugs, including heroin and marijuana; and

WHEREAS, The suppression of narcotic addiction in the United States is of no avail if our youth can obtain an unending supply of such nefarious drugs by merely crossing the border; and

WHEREAS, The alarming extent of narcotic addiction among young Americans is without doubt a paramount cause of increased juvenile delinquency and crime in this Nation and many of our youngsters who could otherwise develop into useful and worthy citizens are doomed by this evil to the horror of a living death; and

WHEREAS, Legislation to eliminate this unhealthy situation would be a major step in the protection of our Country's greatest resource—its youth—and is deserving of full congressional support; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation initiated by Congressman Wilson of California that would prohibit unescorted juveniles from crossing the United States-Mexico border; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Secretary of State, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 110

Assembly Joint Resolution No. 7—Relative to naming the first nuclear powered cruiser the "U. S. S. Long Beach."

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, The United States Navy now has under construction the Country's first nuclear powered cruiser, which vessel is as yet unnamed; and

WHEREAS, The City of Long Beach, though ranked among the 40 largest cities of the Nation and a traditional favorite among Navy men, as is evidenced by the record numbers of naval personnel requesting shore duty there, has never been honored by having a cruiser made its namesake; and

WHEREAS, The City of Long Beach, standing on the shores of the great harbor which has been "home" for countless ships of the United States Navy in peace and in war, today counts many Navy men and their families among her over 320,000 citizens, and in keeping with this latter fact was selected as the site for the "Mrs. U. S. Navy" contest honoring the wives of Navy men; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California wishes to join in the sentiments expressed by 150 members of Congress, and the unified voices of the chambers of commerce, service clubs, and civic organizations of Southern California, and by the over 1,000 school children of the Cities of Long Beach, San Pedro, and Wilmington who wrote essays on "Why the First Nuclear Powered Cruiser Should Be Named the 'U. S. S. Long Beach,'" in memorializing the Secretary of the Navy to so honor the Navy-Blue-and-Gold City of Long Beach by naming the first nuclear powered cruiser the "U. S. S. Long Beach"; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Honorable Charles S. Thomas, Secretary of the Navy.

CHAPTER 111

Assembly Joint Resolution No. 9—Relative to restoration of the San Diego Veterans Administration Regional Office.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, Prior to September, 1955, a regional office of the Veterans Administration was maintained in San Diego, California, and adequately served an area which has a heavier veteran population than any other area in the United States; and

WHEREAS, In September, 1955, this office was consolidated with the Los Angeles regional office in an endeavor to effect economies by reducing personnel and rental costs; and

WHEREAS, It was not intended, nor was it to be expected by officials of the Veterans Administration and others concerned, that the consolidation would result in any interruption, deterioration, or diminution in the services authorized by law for the veterans and their dependents in the San Diego area; and

WHEREAS, The consolidation has, because of difficulties inherent in any attempt to provide veterans' services in the San Diego area without a regional office in that city, failed to effect any such economies and has resulted in a serious curtailment of services with the inevitably attendant hardships; and

WHEREAS, With respect to the economies that it was hoped would result from the consolidation, experience has demon-

strated that costs of providing necessary services have increased rather than decreased; as examples, the cost of administering a case under the fee basis medical program has increased more than four dollars ($4) as a result of the consolidation and, while consolidation has permitted the elimination of 77 positions in the San Diego office, more than 200 positions have been required to be added to the Los Angeles office; and

WHEREAS, The deterioration in service, which has resulted notwithstanding all efforts of the officials and employees of the Veterans Administration and the explicit cooperation of the veterans, is evidenced by the fact that subsistence checks for student veterans for the fall semester had not been received by December, by the fact that veterans with service-connected disabilities have been required to travel great distances to Los Angeles for examinations, and by the fact that a backlog of over 6,000 cases in the Los Angeles office prevents any hope for the prompt processing of any case and thereby deprives the service of its very essence in many instances; and

WHEREAS, The consolidation has been given a fair trial and has, through difficulties inherent in the situation rather than through the fault or dereliction of anyone concerned, utterly failed in its objects; and

WHEREAS, It now appears that it would be far more feasible to return the San Diego office to its regional status and embrace the Counties of Orange, Riverside and Imperial within that regional area; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to take appropriate measures to insure that the possibility, desirability, and urgency of restoring the San Diego office to its original status be investigated and that necessary action be taken on facts the investigation will disclose; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 112

Assembly Joint Resolution No. 10—Relative to the use of storage facilities in California for federal surplus commodities.

[Filed with Secretary of State, January 26, 1957.]

WHEREAS, The U. S. Government has established the Commodity Credit Corporation as an instrument of the U. S. Department of Agriculture to administer the farm crop price

support program including storage of farm crops and produce such as cheese, butter, powdered milk, other dairy products and beans, soya beans, rice, wheat, corn and feed grains; and

WHEREAS, There is a shortage of storage facilities in many areas where farm crops and products are produced and held in surplus storage by CCC; and

WHEREAS, The shortage of storage facilities in some areas and the great quantity of commodities to be stored have caused the CCC to purchase and operate millions of dollars' worth of storage facilities and will force the purchase of still more millions of dollars' worth unless maximum use is made of privately owned facilities; and

WHEREAS, These commodities can be stored, handled and distributed more advantageously through privately owned storage facilities; and

WHEREAS, California is deficient in corn, livestock and dairy products, wheat, feedstuffs and many other commodities held in surplus storage by CCC; and

WHEREAS, Many CCC commodities in storage are susceptible to damage from high humidity and other climatic factors and California climatic and weather conditions are most favorable for successful handling, storage, and distribution of these commodities; and

WHEREAS, There is available in California an abundance of the most modern storage and port facilities suitable for the storage, handling and shipping of CCC commodities; and

WHEREAS, CCC has offered inducements to California warehousemen and elevator operators to build storage facilities including occupancy agreements; and

WHEREAS, CCC is now and has been shipping many thousands of tons of these commodities to Japan and other Eastern countries; and

WHEREAS, The storage, distribution and shipping of CCC commodities through and in California will improve her economy and increase her export trade; and

WHEREAS, California ports, both inland river and ocean shore, are equipped with the most modern and efficient terminal storage, loading and unloading facilities for terminal-to-ship and ship-to-terminal handling of cargoes; and

WHEREAS, California-based steamship and other transportation companies and port authorities need and solicit added stimulus to their economy; and

WHEREAS, Shipments destined for Pakistan, Japan and other adjacent countries enjoy a lesser ocean-going freight rate from California ports than from Eastern or Gulf ports and this rate advantage is as much as ten dollars ($10) per ton; and

WHEREAS, Further economic aid to the Middle East as proposed by President Eisenhower will greatly stimulate the movement of CCC commodities to that area; and

WHEREAS, California is a target area in case of attack by foreign enemy which entitles her to and indicates the wisdom

of having abundant amounts of all foodstuffs under control of CCC stored at strategic points within the State for the convenience, protection and preservation of her citizens; and

WHEREAS, Vast quantities of rice, dairy products, corn, wheat and other commodities held in surplus by CCC are being used in the School Lunch Program in California; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Members of Congress in the California Delegation are memorialized to urge the Secretary of Agriculture, Hon. Ezra Taft Benson, and his administrative assistants in Commodity Credit Corporation to avail themselves of all storage facilities in California which meet their health and sanitation standards and which can be used in accordance with economic feasibility practices of the CCC; and be it further

Resolved, That copies of this joint resolution be sent to each member of the California Delegation in Congress and to U. S. Senators Knowland and Kuchel and to Secretary of Agriculture Ezra Taft Benson; Jack Anderson, Agricultural Assistant to President Eisenhower; Walter Burger, Administrator of CSS; Marvin L. McLain, Assistant Secretary of the Department of Agriculture; Clarence Palmby, Director of the Division of Grain of CSS; and to Francis S. Daniels General Sales Manager of CSS.

CHAPTER 113

Senate Concurrent Resolution No. 41—Relative to approving a certain amendment to the charter of the County of San Mateo, State of California.

[Filed with Secretary of State, January 30, 1957]

County of San Mateo Charter amendments

WHEREAS, The County of San Mateo, State of California, has at all times herein mentioned been and now is a body politic and corporate, and is now and has been since the twenty-eighth day of January, 1933, organized and acting under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighth day of November, 1932, and approved by the Legislature of the State of California, and filed in the Office of the Secretary of State on the twenty-eighth day of January, 1933; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to said charter set out in the certificate of the Chairman of the Board of Su-

pervisors and the County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Mateo, to wit:

STATE OF CALIFORNIA, }
COUNTY OF SAN MATEO. } ss.

Certificate

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF SAN MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON THE SIXTH DAY OF NOVEMBER, 1956.

BE IT KNOWN THAT:

WHEREAS, the County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, and corporate, and a political subdivision of the State of California, and is now and has been, since the twenty-eighth day of January, 1933, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighth day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the twenty-eighth day of January, 1933; and

WHEREAS, the Board of Supervisors of said County, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution and order adopted September 21, 1956, duly propose to the qualified electors of said County of San Mateo three amendments to the charter of said county, designated in said resolution and order as proposed county Charter amendments numbered "A", "B" and "C", and ordered that said amendments be submitted to said qualified electors of said county at a general election, to be held in said county on the sixth day of November, 1956, which date was fixed in said resolution as the day for holding said general election; and

WHEREAS, said proposed charter amendments numbered "A", "B" and "C" were published for ten times in the San Mateo Times, a daily newspaper of general circulation, printed, published and circulated in said County, to wit, on September 24, 25, 26, 27, 28, 29, and October 1, 2, 3, and 4, 1956; and

WHEREAS a copy of the proposed charter amendments proposition was mailed to every qualified elector in said County of San Mateo; and

WHEREAS, Said general election, at which said proposed amendments were submitted to the qualified electors of said

county, was not less than 30 nor more than 60 days after publication of said proposed amendments, as aforesaid; and

WHEREAS, Said general election was held in said County of San Mateo on the said sixth day of November, 1956, which said day was not less than 30 days nor more than 60 days after said proposed amendments to said charter had been published for 10 times in said San Mateo Times; and

WHEREAS, Thereafter the County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said County, on the twenty-seventh day of November, 1956, did duly declare the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election held on the said sixth day of November, 1956, 36,452 votes were cast in favor of said proposed charter amendment numbered "A" and 92,516 votes were cast against said proposed charter amendment numbered "A"; 39,130 votes were cast in favor of said proposed charter amendment numbered "B" and 89,692 votes were cast against said proposed charter amendment numbered "B", 77,157 votes were cast in favor of said proposed charter amendment numbered "C" and 48,667 votes were cast against said proposed charter amendment numbered "C"; and

WHEREAS, Said proposed charter amendment numbered "C" was ratified by a majority of the electors of said county voting thereon, to wit: Charter Amendment No. C; and

WHEREAS, Said charter amendment numbered "C" so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

AMENDMENT No. C

PROPOSED CHARTER AMENDMENT

Section 2 of Article I of the Charter of the County of San Mateo is hereby amended to read as follows:

"Section 2. Qualification, Terms, Salary. The Board of Supervisors shall consist of five members, one from each supervisorial district, each of whom must be a qualified elector of the district which he represents, must have such other qualifications as are now or may hereafter be provided by general law, and must reside therein during his incumbency. They shall be nominated and elected in the manner prescribed by Article II of this Charter. Each such supervisor shall receive the salary fixed by law."

Board of supervisors Qualifications, terms, salary

ARTICLE VIII of the Charter of the County of San Mateo is hereby amended to read as follows:

"INFERIOR JUDICIARY SYSTEM.

Inferior court system

Section 1. The inferior court system for this County shall be that provided by the Constitution and the General Laws of the State of California."

Sections 3 and 4 of Article XI of the Charter of the County of San Mateo are hereby amended to read as follows:

Salaries for unclassified employees

"Section 3. Salaries and Wages for Unclassified Employees. In fixing compensation to be paid unclassified employees of the County, effective on July 1st of each year, the Board of Supervisors shall receive the recommendations of the County Manager and the County Controller prior to the 15th day of February of each such year. In establishing such compensation the Board of Supervisors shall, in each instance, provide a salary or wage which reflects as nearly as possible the salaries and wages being paid for comparable service under comparable conditions of employment in other public agencies and in private employments in the appropriate competitive employment markets. Preference in employment shall be given to residents of San Mateo County, except that the County shall have the power to employ trained and experienced specialists, who are not such residents, for consultation purposes, and fix their duties and compensation.

Vacations

"Section 4. Vacations. Vacation allowances for unclassified employees shall be the same as provided for classified employees of the County under the authority of this Charter."

Section 6 of Article XIII of the Charter of the County of San Mateo is hereby amended to read as follows:

Political activity of unclassified employees

"Section 6. Political Activity. Unclassified employees of the County serving with compensation under this Charter are subject to the same restrictions on political activity as are provided for classified employees in Section 15 of Article XIV of this Charter."

STATE OF CALIFORNIA, }
COUNTY OF SAN MATEO } ss.

We, the undersigned, E. R. McDonald, Chairman of the Board of Supervisors of the County of San Mateo, State of California, and John A. Bruning, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of San Mateo, submitted to the electors of said County at a general election held in said county on said sixth day of November, 1956, has been compared by us, and each of us, with the proposed amendment "C" set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true,

correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of San Mateo this 15th day of January, 1957.

E. R. McDONALD, Chairman,
(SEAL) Board of Supervisors of the County of San Mateo, State of California.
JOHN A. BRUNING
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, State of California

WHEREAS, said proposed amendment numbered "C" to the charter of said County of San Mateo, so ratified by the electors thereof, has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for adoption of this resolution, and concurring therein, That said amendment to the charter of the County of San Mateo numbered "C" as proposed, adopted and ratified by the electors of said County of San Mateo, and as hereinbefore set forth, be and the same is hereby approved as a whole, without amendment or alteration, and as an amendment to, and as a part of, the charter of the County of San Mateo, State of California.

CHAPTER 114

Senate Concurrent Resolution No. 42—Relative to the Santa Monica Mountain brush fire in Los Angeles County.

[Filed with Secretary of State, January 30, 1957.]

WHEREAS, Between December 26 and December 31, 1956, the northwestern area of Los Angeles County was ravaged by a brush fire of unparalleled fury, resulting in the loss of one life and causing great distress and damage to householders of that area; and

WHEREAS, The swift and unpredictable course of the conflagration would have resulted in much greater loss of life and damage to property without the skilled and heroic efforts of the fire-fighting forces who rallied to meet the emergency; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California extends its thanks and commendation to Keith

E. Klinger, Chief Engineer, and the members of the Los Angeles County Fire Department; the city fire departments within the County of Los Angeles; the Los Angeles County Sheriff's Department; the Civilian Defense Command; the State Highway Patrol and other police agencies; the Salvation Army; the American Red Cross; members of the armed forces, and all others who engaged in the courageous and inspiring fight to curb and extinguish the fire, arousing the admiration of their fellow citizens throughout the Nation; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit suitable copies of this resolution to Chief Keith E. Klinger and the organizations named.

CHAPTER 115

Assembly Concurrent Resolution No. 95—Relative to Kern County's salute to the petroleum industry.

[Filed with Secretary of State, March 7, 1957.]

WHEREAS, Kern County will, on the second day of April, 1957, take due notice of the progress, accomplishments, and significance of the oil industry by celebrating a county-wide salute to that industry; and

WHEREAS, In its half-century of progress in Kern County and in this State, the petroleum industry has constituted one of the State's foremost and steadiest economic bulwarks; it has supplied the indispensable fuel for the American war machines that have repelled aggressors; it has contributed immeasurably and continues to sustain the strength and progress of the Free World; it represents one of the brightest pages in the unending story of the successful efforts of the free enterprises of this Nation to discover and supply products to enrich the American way of life; and

WHEREAS, The vision and ingenuity exercised by the men and women of the oil industry in expanding the range of products obtainable from oil is without parallel in the history of man's endeavor to make the resources of the earth serve his needs and desires; oil has been turned into a veritable treasure chest of new and exciting products; more than 2,300 have been discovered and the end is not in sight; as illustrative, one of the featured attractions in Kern County's celebration will be a display of clothing fashions created from oil which is designed to demonstrate the petrochemical uses of oil; more than prehistoric processes of nature lie concealed in California's oil, therein also lies a goodly portion of the wonderful products necessary for tomorrow's richer, healthier, and happier life; we can rely on the imagination and resourcefulness of the members of our oil industry to extract and develop them; and

WHEREAS, Behind the never-ending search for oil and the quest for new and better uses for it lie the great American traditions of freedom and competition; no better example than the oil industry could be found to demonstrate the proposition

than when men are left free to compete in supplying the needs of their fellows, when they are left free to challenge tomorrow in their own way, they will supply their state and Nation with boundless material wealth and the stability and strength to withstand all tribulations of the present and the uncertainties of the future; the oil industry has not only been self-sustaining in its development and progress, it has provided revenues, employment, and opportunities of such proportions that it has assumed pivotal importance in the economy and strength of this State; it is altogether proper that notice be taken of its advancement and that the contribution of its members to our well-being and progress be made a matter of record; and

WHEREAS, Kern County has particular cause to take pride in the petroleum industry; it is the leading petroleum-producing county in the world; therein lies the world's deepest oil well; one-fourth of California's total production comes from that county alone; the value, for example, of the county's output in 1955 exceeded $238,000,000 and the industry has been a mainstay in that county's economy and growth since the turn of the century when oil was discovered there; and

WHEREAS, Kern County, the Kern County Board of Trade, and the Kern County Oil Information Committee are to be commended for sponsoring a suitable and timely tribute to our brothers and sisters of the oil industry, and it is fitting and proper that the entire State join in any celebration held to pay respect and gratitude to an industry that has contributed so much to achievement of the unmatched prosperity and progress of this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature joins with Kern County in taking note of and recording the progress and accomplishments of the petroleum industry and takes this occasion to express its appreciation to the members of that industry for their unmeasured contribution to the development of this State and to the well-being of all of its citizens; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward suitably prepared copies of this resolution to the Kern County Board of Trade, Bakersfield, California, and to the Chairman, Kern County Oil Information Committee, Bakersfield, California.

CHAPTER 116

Assembly Concurrent Resolution No. 92—Relative to the death of Harry Lundeberg.

[Filed with Secretary of State, March 8, 1957.]

WHEREAS, The Members of this Legislature have learned with deep regret of the passing of Harry Lundeberg, one of the Nation's most influential labor officials; and

WHEREAS, Thanks to his vigorous efforts, the men who sail the seas do so in substantially better quarters, under vastly improved conditions, and at appreciably higher wages; and

WHEREAS, Harry Lundeberg, who was born in Norway on March 25, 1901, the son of a leader in the Norwegian Labor Party, went to sea at the age of 14 years and sailed under nine different flags before becoming a member of the Sailors Union of the Pacific; and

WHEREAS, In 1935, he was elected the business agent for the S. U. P. and later became its secretary-treasurer, thus succeeding Andrew Furuseth, the founder of the organization; and

WHEREAS, Although he had stepped into big shoes, Andrew Furuseth being remembered among seamen the world around as "the emancipator of the American seamen" and the godfather of the Seaman's Act of 1915, the task was not beyond his ability, and under his leadership the union continued to grow in power and influence; and

WHEREAS, As soon as Harry Lundeberg saw the west coast seamen firmly organized he established and became the first president of the Seafarers International Union of North America which is now composed of over 40 unions representing fishermen, merchant seamen, and allied workers on all coasts and on the Great Lakes; and

WHEREAS, Harry Lundeberg was the first president of the Maritime Federation of the Pacific, the vice president of the California State Federation of Labor and the president of the A. F. L.-C. I. O Maritime Trades Department; and

WHEREAS, He hated Communism with a fierce passion and fought it to a standstill everywhere on the waterfront; and

WHEREAS, With equal passion he drove hard bargains in behalf of his men and as a result won almost incredible advances in wages, hours, and working conditions for those who sail the seas; and

WHEREAS, His presence on the American waterfront will be sorely missed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby note with the deepest regret the death of Harry Lundeberg and do hereby extend to his bereaved ones their most sincere sympathy; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs Ida Lundeberg, and to the Sailors Union of the Pacific, the Seafarers International Union of North America, the California State Federation of Labor and the A. F. L.-C I O Maritime Trades Department

CHAPTER 117

Assembly Concurrent Resolution No. 94—Relative to the celebration of "Whiskey Flat Days" at Kernville, California.

[Filed with Secretary of State, March 12, 1957]

WHEREAS, The citizens of Kernville, California, and the entire Kern River Valley will, commencing on March 20, 1957, hold a five-day centennial celebration to be known as "Whiskey Flat Days," in commemoration of the founding of "old" Kernville, known at that time as Whiskey Flats—the historic lore of the Kern River dating back to the days of the Argonaut, gold having been discovered in the area in 1851; and

WHEREAS, Over 100 years ago, during the fabulous mining days of the "Gold Rush," many of California's most colorful pioneers settled in the Kern River Valley and established the roots of one of California's most historic and best known sports and recreational areas; and

WHEREAS, Although the era of the pioneers is past, their heroic sacrifices and inspiration sustain and guide us in our attempts to solve the many problems now before us; and

WHEREAS, These pioneers whose lives we are commemorating prepared a cradle for the great commonwealth of Kern County; and

WHEREAS, The five-day program will epitomize and relive the love of the epic of the history of the West, including conducted tours of the Bull Run and Big Blue Mine, log sawing contests, folk and square dancing, teen-age gymkhana, old time miners rock drilling, conducted tours of colorful, historic Keyesville, band concerts, whiskerino contest, arts and crafts exhibits, fish and game display, pack trains, historical documents; and

WHEREAS, A wide range of desert and mountain scenery is offered, it being possible to drive from cactus to snow plant in 30 minutes along some of the fine mountain highways in the district; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby extends to the citizens of Kernville, California, the Kernville Business Association, and the entire Kern River Valley its best wishes for the success of Whiskey Flat Days, and hereby recommends and urges that the citizens of this State and people everywhere make every effort to attend and participate in that event on the shores of Kern River and Lake Isabella; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. Ardis N. Walker, President of the Kernville Business Association.

CHAPTER 118

Assembly Concurrent Resolution No. 97—Relating to the potato industry and honoring Secretary Benson.

[Filed with Secretary of State, March 12, 1957.]

WHEREAS, The Kern County Potato Growers Association will hold its 1957 convention in Bakersfield on March 17th, 18th, and 19th; and

WHEREAS, This annual convention, which originally was designed to promote the growth and prosperity of the potato industry in Kern County, is attended by persons from all parts of the United States interested in all phases of the industry; and

WHEREAS, The convention this year is to be marked by the presence of the Honorable Ezra Taft Benson, United States Secretary of Agriculture, who will deliver a major address before the association on March 19th; and

WHEREAS, In honor of the visit of the Secretary of Agriculture and the potato industry, the Bakersfield City Council and the Kern County Board of Supervisors have designated March 19th "Potato Day"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby extends a most cordial welcome to the Honorable Ezra Taft Benson, Secretary of Agriculture, commends the Kern County Potato Growers Association for its invaluable contributions to the development of more efficient potato production, marketing and utilization, and proclaims Tuesday, March 19, 1957, as "California Potato Day"; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Honorable Ezra Taft Benson and to the Kern County Potato Growers Association.

CHAPTER 119

Senate Concurrent Resolution No. 57—Relative to the Tulare Union High School Redskin Band.

[Filed with Secretary of State, March 12, 1957.]

WHEREAS, The Tulare High School Band was chosen as one of the units representing the State of California in the inaugural parade in Washington, D. C., January 21, 1957, honoring the inauguration of Dwight D. Eisenhower for his second term as President of the United States of America; and

WHEREAS, The Tulare High School Band was one of 16 high school bands carefully selected from the entire Nation upon the excellence of their performances to take part in the inaugural parade where they were competing with each other and being judged on marching ability, appearance, and martial music; and

WHEREAS, As the band swung in prize-winning stride to a perfect beat up Pennsylvania Avenue past the Nation's Capitol and the reviewing stand, wearing colorful uniforms and led by the T-U-L-A-R-E girls and the thunderbirds in costumes adapted from traditional Indian dress, their brilliant appearance, dash and spirit well befitted the name of Tulare Union High School Redskin Band, and they drew from the throngs of spectators continuous cheers as they swung along at the head of the sixth of eight divisions in a parade which President Eisenhower is said to have termed the finest parade he had ever seen; and

WHEREAS, The Tulare High School Band was adjudged the best among high school bands appearing in the inaugural parade, making them the national champions, the best high school band in the land; and

WHEREAS, Participation of the Tulare High School Band in the inaugural parade was made possible by the parents of the students, and by the people of the City of Tulare and of Tulare County who, through a fund raising campaign, collected almost thirty-five thousand dollars ($35,000) to fly the band and necessary sponsors, about 130 people, to Washington in two four-engine DC-4s, taking about 14½ hours flying time, and to pay the expense of hotel accommodations and an educational tour for the band while in Washington, and

WHEREAS, Winning first place in the inaugural parade has brought great distinction to the members of the Tulare High School Band and reflects great credit upon their director, Gordon Lowe, and assistant director, John Ward, and Tulare High School, and has well rewarded the efforts and more than justified the confidence of all the people of Tulare County who participated in sending the band to Washington; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of California takes great pride in the Tulare High School Band as representative of the splendid youth of this State; and be it further

Resolved, That the Legislature of California hereby congratulates the members of the Tulare High School Redskin Band, Buddy Adair, Sharon Adcock, Judy Allen, Joe Alves, Virgil Amos, Shirley Andreasen, Elias Arenas, Dawn Asay, Pat Askin, Clifford Atkinson, Bartley Bard, Bryan Bard, Wallace Beck, Pat Becker, Judy Belezzuoli, Carol Benz, Valerie Berke, Velma Boatman, Evelyn Bowles, Sharon Brockett, David Brown, Mary Brown, Carolyn Brooks, Clayton Cantwell, Don Carlton, Sharon Cartwright, Wilber Cartwright, Thomas Castle, Bob Clubb, Eloise Coffee, Donna Cooper, Jim Cooper, Ernest Collins, Dennis Crum, Harvey Edwards, Bob Evans, Joe Fagundes, Gerry Faria, Gerry Fernandes, Ronald Finch, Donald Fisher, Ronald Frank, Glenda Matsuko, Duane Miller, Linda Miller, Tom Moreno, Danny Parks, Larry Paxton, Dewayne Perry, Warren Peterson, Alex Pilkington, Virginia Place, Sandie Presthus, Tom Ratliff, Nancy Reed, Pauline

Reed, Gary Reeder, Gary Riddle, Darlene Roach, Bruce Robertson, Mike Robinett, Jim Saenz, Clifford Sanders, Kay Scott, Doyle Searcy, Pat Shannon, Gerrel Shepherd, Sharon Shepherd, John Shipley, Diane Smythe, Myrl Stanley, Karen Swall, Judy Tait, Robert Trammel, Ernest Trujillo, Tony Trujillo, Gloria Tyra, Elaine Vincent, Bruce Winters, Gerald Witte, John Woods, Virgil Woods, Doug Yarbrough, Donald Freeman, Ann Garrison, Jimmie Geiger, Jimmy Gilbert, Dean Glass, Sherry Graves, Deanna Hansen, Worden Harris, James Harvey, Connie Haslam, Dennis Hawkins, Donna Helland, Cheryl Henard, Tom Hinkle, Shirley Hoffman, Gary Hood, Jerry Hunt, Van Houdyshell, Carol Hutsell, Jenny Jacobo, Zoellen Jarvis, Garry Jones, Kenneth Jones, Larry Jones, Nadja Johnson, Philip Kainu, David Kelso, Gladys Kent, Donna King, George King, Paul Korte, Larry Laird, Paul Lambrecht, Gary Lancaster, Linda Lancaster, Barbara Lanningham, Ronald Lawrence, James Lewis, Homer Lomas, Karen Lowe, Beatrice Machado, upon their outstanding success in winning first place in the 1957 inaugural parade, and commends them upon the application, talent, and teamwork which has brought to themselves great success and distinction, and so much honor, glory and pride to their parents, their school, the City of Tulare, Tulare County, and the State of California; and be it further

Resolved, That this Legislature also congratulates Tulare Union High School and the people of Tulare County upon this fine aggregation of young people and upon the public spirit shown in providing means to send the band to Washington with such wholehearted public support; and be it further

Resolved, That the Secretary of the Senate is requested to send a suitably prepared copy of this resolution to the Tulare Union High School.

CHAPTER 120

Senate Concurrent Resolution No. 60—Approving a charter amendment to the charter of the City of San Leandro, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the tenth day of April, 1956.

[Filed with Secretary of State, March 18, 1957.]

City of San Leandro Charter Amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF SAN LEANDRO

STATE OF CALIFORNIA
COUNTY OF ALAMEDA } ss.
CITY OF SAN LEANDRO

We, the undersigned, THOMAS O. KNICK, Mayor of the City of San Leandro, State of California, and H. H. BURBANK, City Clerk of said City, do hereby certify and declare as follows: Certificate

That the City of San Leandro, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants but less than fifty thousand population and has been ever since the sixteenth day of December, 1949, and is now, organized, existing, and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an Election duly held for that purpose on the sixteenth day of September, 1949, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the sixteenth day of December, 1949. (Senate Concurrent Resolution No. 2).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its Resolution No. 2852 C.M.S., entitled "Resolution Providing for the Holding of a General Municipal Election for the Election of Four Members of the City Council, Three Members of the Board of Education, Proposing Three Amendments to the City Charter, and Providing that Notice of Election be Given", duly and regularly submitted to the qualified electors of said City certain proposals to amend the Charter of said City and to be voted on by the qualified electors at the general municipal election called and held for that purpose (among others) in said City on the 10th day of April, 1956.

That a certain proposal was designated and entitled as follows:

"PROPOSITION NO. 2

Shall Subdivision 10 be added to Section 800 of Article VIII of the Charter of the City of San Leandro to give the City power to contract with any person, firm, or corporation for personal services, providing such services so contracted for are first exempted from the Civil Service by the Civil Service Board;—the text of which is set forth in Section 5 of Reso-

lution No. 2852 C.M.S. adopted by the Council of said City of San Leandro on Monday, February 6, 1956, and now on file in the office of the City Clerk?"

That said proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of San Leandro, on the 11th day of February, 1956, in "The Morning News", a newspaper of general circulation published every day except Sundays in the City of San Leandro and the official newspaper of said City of San Leandro, and in each edition thereof, during the day of publication.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, said proposed amendment was submitted to the voters at said general municipal election on the 10th day of April, 1956, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in "The Morning News", the official newspaper of said City.

That thereafter on the 17th day of April, 1956, the City Council of the City of San Leandro in the manner provided by law, did regularly canvass the returns of said election, and did so on said day duly certify the results of the canvass of the said returns of said municipal election by Resolution No. 2904 C.M.S. adopted on the 17th day of April, 1956, and declared the result of said municipal election as determined from the canvass of the returns thereof; and by said Resolution did find, determine, and declare that said proposed amendment to the Charter of the City of San Leandro was ratified by a majority of the electors of said City voting thereon.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendment to the Charter of the City of San Leandro so ratified by the electors of said City is in words and figures as follows, to-wit:

That Section 800 of Article VIII be amended by the addition of Subdivision 10 thereto. Said Subdivision 10 to read as follows:

Power to contract for personal services

"10 Notwithstanding any other provision of this Charter, the City may contract with any person, firm, or corporation to perform personal services for the City; provided, that the rendition of such services is first exempted from the civil service of this City by order of the Civil Service Board."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of San Leandro with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, and correct copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this 17th day of April, 1956.

THOMAS O. KNICK
(SEAL) Mayor of the City of San Leandro
H. H. BURBANK
City Clerk of the City of San Leandro

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Leandro, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of San Leandro. Approval

CHAPTER 121

Assembly Joint Resolution No. 14—Relative to establishment of a new and separate federal judicial district for the Southern District of California.

[Filed with Secretary of State, March 18, 1957.]

WHEREAS, The City of San Diego is the center of a metropolitan area with an estimated population in excess of 700,000 and is one of the most rapidly growing in the Nation; and

WHEREAS, This metropolitan area is detached and geographically separated from the Greater Los Angeles metropolitan area; and

WHEREAS, San Diego and Imperial Counties have come to constitute a third distinct area of population concentration in California; and

WHEREAS, These counties are now included in the judicial district for the Southern District of California; and

WHEREAS, That district, one of only two into which California is now divided, encompasses an area with a population well in excess of 8,000,000; and

WHEREAS, Based upon the criterion of area, population, or volume of litigation, California, with only two districts, in comparison with other states such as Texas with four districts, New York with four districts, Illinois with three districts, and

Pennsylvania with three districts, should comprise three or more districts; and

WHEREAS, Representatives Wilson, Utt, and Hillings have introduced in the House of Representatives, H. R. 229, a bill "To provide that Imperial and San Diego Counties in the State of California shall constitute a new and separate judicial district to be known as the Southern District of California, and to redesignate the present Southern District as the Middle District of California" and a similar measure has been introduced in the Senate by Senators Knowland and Kuchel; and

WHEREAS, Enactment of this legislation is essential to the administration of the federal district courts in California and to accommodation of the volume of litigation that comes before those courts; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact H. R. 229 or similar legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Speaker and Chairman of the Committee on the Judiciary of the House of Representatives, to the President pro Tempore and Chairman of the Committee on the Judiciary of the Senate, and to each Senator and Representative from California in the Congress of the United States

CHAPTER 122

Assembly Concurrent Resolution No 80—Relative to diamond jubilee of Knights of Columbus.

[Filed with Secretary of State, March 18, 1957.]

WHEREAS, It is with great pleasure that the Legislature has received the news that on March 29, 1957, the Knights of Columbus will celebrate their diamond jubilee; an occasion marking 75 glorious and growing years for one of America's most outstanding fraternal societies; and

WHEREAS, From a handful of charter members in 1882, the order has grown steadily over the years until in 1956 it passed the mark of 1,000,000 members, which event in itself is sufficiently noteworthy of commendatory action; and

WHEREAS, Since the early date of March 29, 1882, the order has conscientiously devoted itself to, among other things, the promotion and conducting of educational, charitable, cultural, religious, social welfare, and relief activities; its honorable and distinguished record is much too lengthy for itemization here, but people all over the world and in every walk of life have felt the tremendous inspirational impact of this great organization upon our society; and

WHEREAS, Outstanding in contributions in the field of education both within and without the United States, the order has bestowed many benefactions upon varied and different deserving groups, including members of various creeds and nationalities; and

WHEREAS, Exceptional advancement has been attained by the order in its world-wide youth program, where the aim is the promotion of "juvenile decency" rather than the prevention of juvenile delinquency; also, of recent accomplishment is the Knights of Columbus Foundation for the Preservation of Historic Documents at the Vatican Library, for which a depository has been established at St. Louis University, St. Louis, Missouri; and

WHEREAS, Exceedingly prominent in the field of charity, the order has made countless substantial contributions to aid in the relief of victims of disasters, as earthquakes, fires, floods, hurricanes, and many other types of public calamities; wherever a great disaster has struck, the Knights of Columbus has been among the first to offer practical, substantial, and material relief, not merely to its own members, but to all sufferers, regardless of faith or social affiliation; and

WHEREAS, Foremost in advancing the precepts of religion to all, the order's contributions and achievements for spiritually constructive purposes are without peer among fraternal organizations; and

WHEREAS, The record of the order's patriotic contributions in time of national peril is unparalleled in the history of fraternal groups and the Knights of Columbus has earned world-wide fame and received glowing praise from civil and religious leaders everywhere; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California hereby congratulate the Knights of Columbus upon the celebration of their diamond jubilee, extend their sincere best wishes to the order for a continued growth, and commend the Knights of Columbus for its many outstanding accomplishments in the past 75 years; and be it further

Resolved, That Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Luke E. Hart, Supreme Knight, and F. Everett Cahill, California State Deputy.

CHAPTER 123

Assembly Concurrent Resolution No. 89—Relative to naming of the branch of the University of California at La Jolla, California.

[Filed with Secretary of State, March 18, 1957]

WHEREAS, House Resolution No. 112 which was adopted by the Assembly on March 30, 1955, requested the Board of

Regents of the University of California to investigate the feasibility, desirability, and practicability of establishing a branch of the university in the San Diego area, either by expansion of the present institution at La Jolla or by creating a new branch; and

WHEREAS, Present plans call for location of such a branch on the campus of the university located in La Jolla; and

WHEREAS, An activity of the university, the Scripps Institution of Oceanography, has been located on the La Jolla campus for many years and has come to be known throughout the Nation as being located in La Jolla and it would, therefore, be highly desirable to maintain "La Jolla" in the name and address of the campus located there; and

WHEREAS, There are many educational activities located in the vicinity of San Diego that have "San Diego" in their name and address; examples are San Diego State College, San Diego Junior College, University of San Diego, San Diego Extension Courses of the University of California, and confusion would inevitably result from using "San Diego" in the name and address of the branch of the university to be located on the campus in La Jolla; this consideration has been of such importance that postal officials have urged, in the interest of efficiency for the university and the Postal Service, that the branch be named and addressed as "University of California, La Jolla, California"; failure to adopt this form would result in all mail being routed through San Diego with attendant rehandling and confusion with the mail of the other institutions mentioned above; and

WHEREAS, The La Jolla Town Council has officially requested that the branch have "La Jolla" in its name and address; and

WHEREAS, This request and that of the citizens of La Jolla are imminently reasonable as the branch is to be located in that community, and the existing campus has been referred to as "La Jolla campus" for many years; and

WHEREAS, The Board of Regents of the university will soon have occasion to formally adopt a name for the branch and it has been pointed out that, as House Resolution No. 112 refers to establishment of a branch of the university "at San Diego," the board may feel constrained to use San Diego rather than La Jolla in the name adopted even though the branch is located in La Jolla and not in San Diego; and

WHEREAS, House Resolution No. 112 was intended to refer to a branch in the general area of San Diego, expressly contemplated "expansion of the present institution at La Jolla," and was not intended to require adoption of an inappropriate name for the branch of the university at La Jolla; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the President and the Board of Regents of the University of California to adopt the name "University of California at La Jolla" for the branch to be established there and that the site

of the branch in La Jolla be referred to as the "Campus of the University of California at La Jolla"; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the University of California and to the Board of Regents thereof.

CHAPTER 124

Assembly Concurrent Resolution No 98—Approving a charter amendment to the charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of June, 1956

[Filed with Secretary of State, March 18, 1957.]

City of Santa Clara Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Santa Clara, a municipal corporation of the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

WHEREAS, the City of Santa Clara, in the County of Santa Clara, State of California, is now organized and existing and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, duly ratified by the electors of said city at an election held for that purpose on the 2nd day of April, 1951 and approved and ratified by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 25th day of April, 1951; and

WHEREAS, the City of Santa Clara contains a population of more than 3,500 inhabitants and less than 50,000 inhabitants; and

WHEREAS, the City Council of the City of Santa Clara, being a legislative body of said city, did, by and in pursuance of a certain resolution passed and adopted by said City Council on the 3rd day of April, 1956 by more than two-thirds vote, duly submit to the qualified electors of said city a proposal to amend the charter thereof, to be voted upon by said qualified electors at a general municipal election to be held in said city on the 5th day of June, 1956.

WHEREAS, said proposal was published and advertised in the form and manner and for the length of time and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Santa Clara Journal, a weekly newspaper printed, published and circulated in said city, which said newspaper was for the purpose of such advertising designated by said City Council as the official newspaper of said city (there being no official newspaper in said city); and

WHEREAS, the said proposal was published in the manner hereinabove described and within 15 days after it was filed with the City Clerk, and the election at which it was voted upon was held on the 5th day of June, 1956, not less than 40, nor more than 60 days after the completion of said advertising; and

WHEREAS, a majority of the qualified voters, voting on the said proposal, voted in favor thereof, and the said City Council of the City of Santa Clara did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, by resolution adopted on the 2nd day of July, 1956 declare, after the result of the said election had been determined, that the proposal hereinafter set forth was duly ratified and adopted by a majority of the voters of the city voting thereon; and

WHEREAS, the said proceedings and the text of the said proposal are duly set forth in the certificate of the Honorable F. J. Bucher, Mayor of the City of Santa Clara, and the Honorable A. S. Belick, City Clerk of the City of Santa Clara, as follows, to-wit:

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss
CITY OF SANTA CLARA }

We, the undersigned, F. J. Bucher, Mayor of the City of Santa Clara, and A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify and declare as follows:

Certificate

That the City of Santa Clara is a municipal corporation in the County of Santa Clara, State of California, and is now and at all times hereinafter referred to as a City containing a population of more than thirty-five hundred (3500) inhabitants and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Santa Clara is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section VIII of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on April 2nd, 1951, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 25th day of April, 1951;

That in pursuance of Section VIII of Article XI of the Constitution of the State of California, and on its own motion, the City Council of the City of Santa Clara, being the legislative body of said City, by more than two-thirds vote of said Board of Trustees, duly submit to the qualified electors of said City of Santa Clara, a proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a general municipal election held in said City on the 5th

day of June, 1956, which said proposal is hereinafter set forth at length;

That said proposed amendment was published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California in the Santa Clara Journal which was then and there a weekly newspaper printed and circulated at and within the City of Santa Clara, County of Santa Clara, State of California, and which said newspaper was duly designated by said Board of Trustees of the City of Santa Clara as the official newspaper of said City for said publishing and advertising, (there being no official newspaper of said city);

That said proposed amendment was so published within fifteen days after it was filed with the City Clerk, and that the election at which it was voted on was by ordinance of the said City of Santa Clara adopted and passed on the 3rd day of April, 1956, set for the 5th day of June 1956, which was not less than forty, and not more than sixty days after the completion of the advertising in the official paper aforesaid;

That thereafter the City Council of the City of Santa Clara did in the manner provided by law, duly and regularly canvass the returns of said election, and that said City Council by resolution adopted on the 2nd day of July, 1956 declared the result of said municipal election as determined from the canvass thereof;

That at said election held on the 5th day of June, 1956 said proposed amendment was ratified and adopted by a majority of the electors of said City voting thereon;

That said proposed Charter amendment so ratified by the electors of the said City of Santa Clara is in the words and figures, as follows, to-wit:

PROPOSED CHARTER AMENDMENT

That Article XVI and Sections 1600 and 1601 shall be amended and as amended shall be consolidated in one section numbered 1600 to read as follows:

"ARTICLE XVI

SCHOOL DEPARTMENT

Section 1600. The organization, government and administration of the public school system in the City of Santa Clara, the terms of office, the manner and mode of selection, and the duties and powers of the Board of Education, and the members thereof, shall be as set forth in the Constitution, Education Code, and the applicable general laws of the State of California." Organization, etc., of public school systems

That the returns of said election were in accordance with the law in such cases made and provided, fully and regularly can-

vassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposal for the amendment to the Charter, and had ratified said proposed amendment to said Charter, as hereinbefore set forth, and that we and each of us further certify that we have compared the foregoing and enclosed and ratified amendment to the Charter of the City of Santa Clara with the original resolution and proposal submitting the same to the electors of said City at the general municipal election held on the 5th day of June, 1956, and that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Santa Clara to be affixed this 6th day of February, 1957.

F. J. BUCHER, Mayor
(SEAL) A. S. BELICK, City Clerk

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Santa Clara, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Santa Clara.

CHAPTER 125

Assembly Concurrent Resolution No. 100—Approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the sixth day of November, 1956

[Filed with Secretary of State, March 19, 1957.]

County of Los Angeles Charter amendment

WHEREAS, The County of Los Angeles, State of California, has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the second day of June, 1913, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California,

which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution adopted on the twenty-eighth day of August, 1956, duly propose to the qualified electors of said County of Los Angeles an amendment to the charter of said county, designated as proposed County Charter Amendment No. 1, and ordered that said amendment be submitted to said qualified electors of said county at the general election to be held in said county on the sixth day of November, 1956, which date was the day fixed by law for the holding of said general election; and

WHEREAS, Said proposed charter amendment No. 1 was published for 10 times in the Los Angeles Daily Journal, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit, on September 10, 11, 12, 13, 14, 17, 18, 19, 20 and 21, 1956; and

WHEREAS, Said board of supervisors, by said resolution adopted on said twenty-eighth day of August, 1956, did order the placing of said proposed charter amendment on the ballot of said general election to be held in said County of Los Angeles on said sixth day of November, 1956, which date was not less than 30 days nor more than 60 days after said publication of such proposal, as aforesaid, for 10 times in a daily newspaper of general circulation, printed, published, and circulated in said county; and

WHEREAS, Said general election was held in said County of Los Angeles on said sixth day of November, 1956; and

WHEREAS, Thereafter the registrar of voters of said County of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county, and said clerk did on the fourth day of December, 1956, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election; and

WHEREAS, At said general election held on said sixth day of November, 1956, said proposed charter amendment was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment so ratified by the electors of said County of Los Angeles is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is in the words and figures as follows, to wit:

PROPOSED COUNTY CHARTER AMENDMENT No. 1

That the Charter of said County of Los Angeles be amended by amending paragraph 4 of Section 14 of Article IV thereof to read as follows:

Coroner

The Coroner shall be a physician who is a certified pathologist.

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, } ss.

We, the undersigned, John Anson Ford, Chairman of the Board of Supervisors of the County of Los Angeles, State of California, and Harold J. Ostly, County Clerk and ex officio Clerk of the Board of Supervisors of said County of Los Angeles, do hereby certify:

Certificate

That the foregoing proposed and ratified amendment to the charter of said County of Los Angeles, submitted to the electors of said county at the general election held in said county on said sixth day of November, 1956, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

In Witness Whereof, we have hereunto set our hands and caused the same to be attested by the County Clerk and authenticated by the seal of said Board of Supervisors of the County of Los Angeles this 8th day of January, 1957.

(SEAL)

JOHN ANSON FORD,
Chairman, Board of Supervisors
of the County of Los Angeles
HAROLD J. OSTLY,
County Clerk and ex officio
Clerk of the Board of Supervisors
By GORDON T NESVIG,
Deputy

ATTEST:
HAROLD J. OSTLY,
County Clerk of the County of
Los Angeles, State of California
By GORDON T. NESVIG,
Deputy

and

WHEREAS, Said proposed amendment to the charter of said County of Los Angeles so ratified by the electors thereof, has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Sec-

tion 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting for adoption of this resolution, and concurring thereon, That said amendment of the charter of the County of Los Angeles as proposed by the board of supervisors of said county and as ratified by the electors of said county, and as hereinbefore set forth, be and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as a part of the charter of the County of Los Angeles, State of California. Approval

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CHAPTER 126

Assembly Concurrent Resolution No. 99—Relative to congratulating Dr. William B. McLean.

[Filed with Secretary of State, March 21, 1957]

WHEREAS, Dr. William B. McLean, Technical Director of the Naval Ordnance Test Station, China Lake, California, has received special recognition by the United States Government for his epic accomplishment in the conception and development of the Navy's deadly air-to-air missile, the "Sidewinder"; and

WHEREAS, The "Sidewinder" is not only a tremendously potent addition to the Nation's arsenal in a crucial time when preparedness is the measure of safety from the menace of atomic holocaust, but also is so ingeniously simple in design as to be capable of production at a relatively nominal cost, which factor has been estimated to have preserved forty-six millions of dollars ($46,000,000) of the Nation's financial resources; and

WHEREAS, Admiral Arleigh Burke, Chief of Naval Operations, has presented an award of twenty-five thousand dollars ($25,000) to Dr. McLean under the incentive awards program as a sign of appreciation from a grateful government; and

WHEREAS, In the person of Dr. McLean—a distinguished graduate of the California Institute of Technology, a member of the honorary engineering fraternity Tau Beta Pi, and the graduate honorary research society Sigma Xi, and a former delegate to the North Atlantic Treaty Organization General Assembly, Advisory Group for Aeronautics Research and Development—young Americans who seek a career in the sciences may find a model and inspiration; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California wishes to extend its enthusiastic congratulations to Dr. William B. McLean in recognition of his achievements in the field of scientific research and development for national defense; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Dr. William B. McLean.

CHAPTER 127

Senate Concurrent Resolution No. 65—Relative to recognition of the Eastern Orthodox Church as a major faith in the State of California.

[Filed with Secretary of State, March 25, 1957.]

WHEREAS, The Eastern Orthodox Church is one of the major faiths in America and in the State of California; and

WHEREAS, By custom and usage it has been common practice when reference is made to the major faiths to specify them as being Protestant, Catholic, and Jewish without mention of the Eastern Orthodox Church; and

WHEREAS, The Eastern Orthodox Church is entitled to and should receive general public recognition as one of the major confessions in this State and should be included in all public reference thereto; and

WHEREAS, It would therefore appear that a religious distinction is being made against the Eastern Orthodox Church which is contrary to the liberal spirit and democratic principles of our state and national governments; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Eastern Orthodox Church be recognized as a major faith in the State of California, and that the forms of official papers of this State and local governments thereof which refer to the major faiths and now limit them to the Protestant, Catholic and Jewish religions, should be changed to Protestant, Catholic, Eastern Orthodox, and Jewish; and be it further

Resolved, That all persons writing for publication or using other media of public expression or communication in this State are hereby requested to include the Eastern Orthodox Church upon all occasions when specific reference is made to the major faiths.

CHAPTER 128

Senate Concurrent Resolution No. 66—Relative to commending Justice John T. Nourse.

[Filed with Secretary of State, March 25, 1957.]

WHEREAS, On March 15, 1957, the Honorable John T. Nourse, Presiding Justice, Division 2, District Court of Appeal, First Appellate District of the State of California, retired from office; and

WHEREAS, As a child, Justice Nourse came to California from his birthplace in Academia, Pennsylvania, and received his early education in the public schools of Santa Ana, and was graduated from the Law Department of Stanford University in 1900; and

WHEREAS, Justice Nourse entered into a long and illustrious career of public service commencing in 1904 as assistant city attorney for San Francisco, from 1911 as deputy attorney general, from 1917 as Judge of the Superior Court of the City and County of San Francisco, serving in that capacity for two years prior to his appointment to the District Court of Appeal in which office he served for 38 years until his retirement at the age of 80 years; and

WHEREAS, Justice Nourse has had a continuous interest in the affairs of Stanford University, and has served two terms on its board of trustees; and

WHEREAS, During a total of 53 years in the public service, Justice John T. Nourse has given to his city, county and state, the most effective, conscientious and devoted effort possible with the greatest regard for justice and perpetuation of the dignity of man; and

WHEREAS, Justice John T Nourse has rendered many outstanding decisions that have become the law of the State, and these decisions were founded on a keen, incisive knowledge of the law, tempered with justice as only a great man can wield the forge of legal interpretations; and

WHEREAS, Justice John T. Nourse being the dean of the justices of the District Courts of Appeal of this great State, his retirement will be a cause for regret to his many friends engaged in the various facets of the practice of the law; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of California does hereby commend and congratulate the Honorable John T. Nourse upon his record of long and outstanding public service, and the members of this Legislature extend to him sincere good wishes for many enjoyable years of retirement; and be it further

Resolved, That the Secretary of the Senate is directed to send a suitably prepared copy of this resolution to the Honorable John T. Nourse.

CHAPTER 129

Assembly Concurrent Resolution No. 101—Relating to congratulation of James Strohn Copley upon presentation of Distinguished Public Service Award.

[Filed with Secretary of State, March 26, 1957]

WHEREAS, James Strohn Copley, Chairman of the Copley Press, Inc., was presented a United States Navy Distinguished Public Service Award by Secretary of the Navy Charles S. Thomas in San Diego on January 7, 1957, which read:

"For outstanding public support for maintenance of a strong and adequate national defense through the development of a United States Navy capable of contesting any

threat of aggression at home or abroad throughout the world. By initiating, projecting and promoting special nationwide programs alerting the American public to the urgency for creating and maintaining a modern fleet of conventional and nuclear power afloat, under the seas and in the air; by awakening the American people to the necessity to develop a career service beneficial to enlisted and officer personnel, and by long and tireless devotion to those problems of the naval forces which require civilian understanding and cooperation, James Strohn Copley has proved invaluable in winning public support to build and maintain the United States Navy modern in concept and equipment and in readiness for any emergency. In recognition and appreciation for his civilian leadership in the interests of the United States Navy and the national defense exemplify the highest traditions of patriotic service to the Nation, this award is approved this fifth day of December 1956 " now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature wish to express their congratulations to James Strohn Copley upon being awarded this signal honor; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to James Strohn Copley, and to Robert L. Curry, Publisher, The South Bay Daily Breeze; Audus W. Shipton, President, The Copley Press, Inc.; Alden C. Waite, Chairman of the Board, Southern California Associated Newspapers; William Shea, Advisory Director, Copley News Service; Thomas A. Beacom, Executive Committee and Director, The Copley Press, Inc.; R. N. Smith, Treasurer, Secretary and Director, The Copley Press, Inc.; Robert W. Richards, Chief, Washington News Bureau, The Copley Press, Inc ; Rembert James, Military Editor, Copley News Service; and Mrs. William Blenman, Associate, The Copley Press, Inc.

CHAPTER 130

Assembly Concurrent Resolution No. 115—Relative to the University of San Francisco "Dons."

[Filed with Secretary of State, March 26, 1957]

WHEREAS, The "Dons" of the University of San Francisco, in achieving an unprecedented twelfth consecutive victory in National Collegiate Athletic Association basketball tournament competition have captured their third Far Western Regional Championship in as many years; and

WHEREAS, This accomplishment represents the culmination of a courageous uphill struggle by an unranked team, which accomplishment is therefore no less in magnitude than the superb performances of the two National Championship teams

which have preceded the present squad in representing the University of San Francisco; and

WHEREAS, The triumph of the "Dons" is a tremendous tribute to not only the great coaching ability of their coach, Phil Woolpert, but also the skill and poise and indomitable courage and will to win displayed by each and every member of this fine basketball squad; and

WHEREAS, The "Dons" now head for Kansas City to challenge the highly successful University of Kansas "Jayhawks," with their incredible Wilt "the Stilt" Chamberlain and other fine basketball players, for the N. C. A. A. Western Championship, matching their great defensive skill against what is considered by many as an almost unstoppable scoring team; and

WHEREAS, The Members of this Legislature are certain that the same skill, poise, courage, and will to win which has gained the University of San Francisco "Dons" their many laurels throughout the past season will result in a glorious team victory over the University of Kansas at Kansas City; now, therefore, be it

Resolved by the Assembly of California, the Senate thereof concurring, That the Members of the Legislature wish to extend their heartiest congratulations to the University of San Francisco "Dons" and their coach, Phil Woolpert, upon their highly successful season, culminating in their winning of the N. C. A. A. Far Western Regional Championship, and to wish them the very best of luck in their game at Kansas City against the University of Kansas "Jayhawks" in quest of the N. C A. A. Western Championship and the right to meet the winner of the Eastern Championship for the national title; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to the Reverend John F. X. Connolly, S.J., President of the University of San Francisco; to Coach Phil Woolpert and his assistants Ross Gurdice and Don King; to the Reverend Ralph T. Tichenor, S.J., Moderator; to Eugene Brown, Arthur Day, Michael Farmer, Al Dunbar, Michael Preaseau, David Lillevand, William Malleu, Charles Russell, John Koljian, Jack King, Ronald Mancasola, and Robert Radanovich, members of the University of San Francisco "Dons" basketball team; to William Mulholland, manager of the team, to Vincent Briare, trainer, and to John Murray, in charge of publicity for the team.

CHAPTER 131

Senate Concurrent Resolution No. 67—Relative to augmenting the funds of the Joint Committee on Water Problems.

[Filed with Secretary of State, March 28, 1957]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money

heretofore made available to it, the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Committee on Water Problems (created by Resolutions Chapter 249, Statutes of 1955 and continued by Resolutions Chapter 78, Statutes of 1957) and its members and for any charges, expenses or claims it may incur under said resolutions, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 132

Assembly Joint Resolution No. 19—Relative to the maintenance of a 24-hour patrol along the United States-Mexico border.

[Filed with Secretary of State, March 28, 1957.]

WHEREAS, There are periods of each day when there is no patrol guarding the border between the United States and Mexico; and

WHEREAS, The lack of such patrol on a 24-hour basis permits the entrance into this State of much illegal contraband; and

WHEREAS, This contraband includes those deadly narcotics which have become a leading cause of juvenile delinquency and crime in this Nation; and

WHEREAS, The maintenance of a 24-hour patrol would help the agricultural and livestock industries of this Nation by preventing entrance into this Country of animals and plants infested with parasites and infectious diseases which cause enormous financial losses to our farmers and ranchers; and

WHEREAS, It would appear more economical to prevent the entrance of unauthorized persons rather than to spend large sums to apprehend and return such illegal entrants; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to pass legislation requiring that the patrol of the United States-Mexico border be maintained on a 24-hour-a-day basis; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 133

Assembly Joint Resolution No. 4—Relative to construction, operation, and maintenance of the western land boundary fence.

[Filed with Secretary of State, March 29, 1957]

WHEREAS, The livestock fence between the Republic of Mexico and the several southwestern border states is either nonexistent or is in a state of disrepair, allowing almost unimpeded crossing of farm livestock, thereby preventing detection and inspection; and

WHEREAS, Mexican cattle crossed the international border in Marron Valley, San Diego County, some time last summer and infested the area with Texas fever ticks which later infested California cattle, necessitating the owner of the California cattle having to treat his cattle at intervals of 14 days for a period of approximately one year, thus creating great expense to this owner; and

WHEREAS, Most of the area on the American side of the border is engaged in the livestock business, with an investment of many millions of dollars; and

WHEREAS, It is of the greatest importance to the American livestock industry to prevent the entrance of animals infested or infected with potentially serious pests or diseases; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to pass legislation for accomplishing the rebuilding and maintenance of the international boundary fence between the United States and Mexico, in the interest of protecting the livestock industry in the Southwestern United States against inroads of diseases and pests harbored by drifting farm animals not now subject to restraint and inspection; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 134

Assembly Concurrent Resolution No 104—Relating to the passing of William Patrick Kyne.

[Filed with Secretary of State, April 2, 1957.]

WHEREAS, The Members of the Legislature have learned with profound regret of the passing of William Patrick (Bill) Kyne, an outstanding leader in his community, a dominant

figure in the world of sports, and patron and promoter of charity and philanthropy; and

WHEREAS, Bill Kyne was born in San Francisco, California, 69 years ago, and there began a life of personal and business adventure of the most extraordinary kind which took him, from an inauspicious beginning as a newsboy on the streets of the city, to the top of the world of sports promoters and impresarios, and through a career alternately traversing the scale from personal hardship and disaster itself to outstanding achievement crowned in the end by spectacular success; and

WHEREAS, He conducted and engaged in racing ventures at Tijuana and Juarez in Mexico, and at Reno, Phoenix, Salt Lake City, Tulsa, Kansas City, and numerous other places prior to his return to his native San Francisco Bay area; and

WHEREAS, Upon his return he was instrumental in obtaining the enactment of the racing laws now in effect in California, constructed the world-famous Bay Meadows track, and engaged, for a period of more than 20 years, in the promotion of outstanding racing events at this institution, as well as numerous other programs in a variety of other fields of sports activity; and

WHEREAS, During his entire life his innate sense of kindness, charity, and benevolence toward his fellow man was a prime motivating factor in every endeavor he entered upon, and which, on innumerable occasions, caused his enterprises to be devoted to philanthropic purposes to the extent that millions of dollars were diverted to every conceivable charitable and public purpose to the perpetual benefit of both his and future generations; and

WHEREAS, During his lifetime he acquired, by virtue of his outstanding character and personality as well as his kindness and consideration for others, a multitude of friends everywhere who mourn his passing and in whose hearts his memory will continue to live as an inspiration; and

WHEREAS, Bill Kyne left behind him to grieve his untimely departure to the greater reward his loving wife Dorothy S. Kyne, a daughter Marilyn Gunderson, a sister Mrs. Nellie Kyne Morris, and brothers John Kyne and Thomas Kyne; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature deeply deplore the passing of this fine citizen and wish by this resolution to convey their deepest sympathy to the bereaved members of his family; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to send appropriately prepared copies of this resolution to his widow, Dorothy S. Kyne, his daughter, Marilyn Gunderson, his sister, Mrs. Nellie Kyne Morris, and to his brothers, John Kyne and Thomas Kyne.

CHAPTER 135

Assembly Concurrent Resolution No. 105—Relative to honoring Fred Weddington.

[Filed with Secretary of State, April 2, 1957.]

WHEREAS, The attention of the Legislature has been called to the long career of Mr. Fred Weddington in the development of the San Fernando Valley; and

WHEREAS, In 1890 Fred Weddington moved to California from Storm Lake, Iowa, as a boy with his parents and brother, and settled in what was then known as Toluca, later named Lankershim, and now known as North Hollywood; and

WHEREAS, In 1892 the family constructed the Weddington ranch house on the corner where the El Portal Theater now stands, and the first post office in San Fernando Valley occupied a room in that house; and

WHEREAS, For many years Fred and his brother Guy operated the only mercantile establishment in the southern half of San Fernando Valley, serving customers from as far away as 30 miles; and

WHEREAS, From 1903 to 1906, Fred was the first constable in the valley, serving with distinction, and it has been said he was a sharp law enforcement officer during the era of speedy and certain justice; and

WHEREAS, Some of his other major accomplishments include organization in 1910 of the Lankershim Development Company to sell residential and business lots. This company provided the initial impetus to the residential development which gradually became the fantastic influx of home buyers of today, and he negotiated the purchase of part of the townsite of North Hollywood from the Southern Pacific Railway to whom it had been sold 17 years earlier. He was the man the Pacific Electric sought out and employed to acquire the right of way for it to extend its tracks from Highland Avenue to Whitsett Avenue; and

WHEREAS, He was one of the founders of the Bank of Lankershim in 1910, becoming president of that institution in 1919. This bank merged with the Security First National Bank in 1923, and he became vice president and manager of the North Hollywood Branch, which he headed until his retirement in June, 1949; and

WHEREAS, Mr. Weddington's many civic and philanthropic activities are too numerous to record. He being an active community leader in the Chamber of Commerce, the Rotary Club, and other civic organizations. He was also an honored Mason, Shriner, and Elk; and

WHEREAS, His long and distinguished career extending from the pioneer days of San Fernando Valley to the present and his contributions to the phenomenal growth of the San Fernando Valley demonstrate that he has well earned the title of "elder statesman;" now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature commend and congratulate Fred Weddington on his long career in developing the San Fernando Valley with its concomitant benefits to the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to Fred Weddington.

CHAPTER 136

Assembly Concurrent Resolution No. 106—Relative to the Golden Jubilee of Reverend Mother Rosalie Hill.

[Filed with Secretary of State, April 2, 1957.]

WHEREAS, It has been brought to the attention of the Legislature that February 10th and 11th of this year were celebrated as the golden jubilee of the profession of Reverend Mother Rosalie Hill, Mother Vicar of the Western Province of the Religious of the Sacred Heart; and

WHEREAS, Reverend Mother Hill, who is renowned as an educator and builder, is the founder of the College for Women at the University of San Diego; and

WHEREAS, In the short time since 1941, she has recruited the brilliant faculty which now staffs the College for Women, and by her boundless capabilities and unflagging efforts has created a debt-free and self-sustaining institution worth 5½ million dollars; and

WHEREAS, Since her religious profession in Paris 50 years ago Reverend Mother Hill has risen through her dedicated service to the Church to become the spiritual leader of 10 houses of the Sacred Heart Society, holding the position of Mother Vicar of the Western Province since 1929; and

WHEREAS, Her glorious achievements were praised by the Most Reverend Francis Buddy, Bishop of San Diego, at the recent celebration climaxed by a Solemn Pontifical High Mass at which the Most Reverend Bishop presided; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby offer congratulations to Reverend Mother Hill on her 50 years of devoted service to the Church and humanity, and commend her for her notable work in the field of education; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Reverend Mother Rosalie Hill and to the Most Reverend Francis Buddy, Bishop of San Diego.

CHAPTER 137

Assembly Concurrent Resolution No. 107—Relative to commending the Regents of the University of California for the establishment and maintenance of a well-developed program of graduate instruction and research in science and technology and other programs on the La Jolla campus of the University of California.

[Filed with Secretary of State, April 2, 1957.]

WHEREAS, Since becoming a part of the University of California in 1912, the Scripps Institution of Oceanography at La Jolla has become the largest and one of the most significant centers for oceanographic research and training in the world and has contributed immeasurably to man's knowledge of the seas, which with their abundance of food, minerals, water and other products essential to man's welfare promise to play an ever-increasing role in shaping man's future destiny; and

WHEREAS, The Regents of the University of California at their meetings of August 24 and December 14, 1956, have acted to expand, over a period of years, the faculty and facilities of the La Jolla campus in order to provide a well-developed program of graduate instruction and research in science and technology, with such undergraduate instruction as is essential to support the graduate program; and

WHEREAS, This foresighted and far-reaching action is in recognition of the educational needs of one of the Nation's most important and rapidly growing areas centering on San Diego, California's third largest city; and

WHEREAS, Such an expansion and enlargement of the University of California's La Jolla campus will not only enhance the well-established reputation of the Scripps Institution of Oceanography but will also, by helping to alleviate the present shortage of scientists and technologists, perform an outstanding service to the San Diego area, the State of California and to the Nation; therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their congratulations to the Regents of the University of California and commend them for their wise action in thus providing so notably for the future welfare and prosperity of both the State and the Nation, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to Robert Gordon Sproul, President of the University of California; Robert M. Underhill, Secretary and Treasurer of the Regents of the University; and Roger R. Revelle, Director of the Scripps Institution of Oceanography.

CHAPTER 138

Assembly Joint Resolution No. 8—Relative to memorializing Congress with regard to lands under the jurisdiction of the United States Bureau of Land Management.

[Filed with Secretary of State, April 2, 1957.]

WHEREAS, It is deemed to the best advantage of the people of the State of California that areas of substantial magnitude be developed for recreational purposes, particularly in some of the more arid sections of the State; and

WHEREAS, Much of these lands are in the public domain under the control of the United States Bureau of Land Management; and

WHEREAS, Public Law 387, Chapter 263, Eighty-third Congress, Second Session, which amends the Recreation Act of June 14, 1926, authorizes the sale of no more than 640 acres annually to the State for recreational purposes, or the lease of such lands to the State for a consideration to be determined by the Secretary of the Interior based upon the purpose for which the lands may be used, or are to be used; and

WHEREAS, The Secretary of the Interior is not privileged to convey lands to the State for recreation purposes through the medium of a long-term lease agreement or use permit; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to give consideration to legislation to amend the Recreation Act of June 14, 1926, as amended June 4, 1954, to permit the Secretary of the Interior, upon a determination of need by the public and upon appropriate application from an authorized state representative, to enter into lease agreements or issue long-term use permits for a period of up to 50 years, or, upon application by the State to purchase, to remove the acreage limitation and permit the State to acquire by outright purchase the lands required for recreational purposes; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit suitable copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 139

Assembly Joint Resolution No. 11—Relative to funds for protection of the national forests.

[Filed with Secretary of State, April 2, 1957]

WHEREAS, The forests of California besides offering millions of acres of virgin timber also contain the largest and oldest of living things on this earth; and

WHEREAS, The forests of California provide not only the millions of people resident of this State but also the thousands of visitors to this State unequaled recreational playgrounds; and

WHEREAS, Unless proper protection is given the millions of acres of timberland in California which presently provide these benefits as well as providing billions of board feet of lumber necessary to our rapidly growing State, forest fires can easily destroy in a single year the product of decades of growth and deprive our future generation of a priceless heritage; and

WHEREAS, The burning of our forests not only destroys the trees but also endangers the entire State through the loss of watersheds, floods and erosion, which can entirely devastate the areas involved; and

WHEREAS, The Forest Service of the United States Department of Agriculture, presently charged with protecting more than twenty million acres of forest lands, is greatly hampered by inadequate funds; and

WHEREAS, Modern equipment has been developed which can be of immeasurable aid in combating forest fires such as mechanization of equipment, use of radio, helicopters and other aircraft, all of which require large expenditures; and

WHEREAS, The Forest Service is also charged with the responsibility of providing clean and sanitary facilities for use of visitors to the forests, another needed undertaking which requires an ever-increasing amount of funds; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to increase the funds made available to the Forest Service of the United States Department of Agriculture for use in the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 140

Senate Joint Resolution No. 15—Memorializing Congress to enact H. R. 5134, a bill to provide assistance to the states in the construction, modernization, additions, and improvements of domiciliary and hospital buildings of state veterans' homes by a grant to subsidize, in part, the capital outlay cost.

[Filed with Secretary of State April 2, 1957.]

WHEREAS, There is an alarming shortage of hospital and domiciliary beds in California provided by the United States Veterans Administration for veterans of all wars; and

WHEREAS, The ever increasing migration of veterans into California from every state in the Nation has brought here hundreds upon hundreds of thousands of veterans; and

WHEREAS, The veterans population of California stands today as one of the largest, if not the largest, in the United States; and

WHEREAS, The Federal Government has recognized assistance given by the states in their care for thousands of disabled war veterans through federal aid subsidies in part payment for day-by-day operating expenses to maintain establishments for the care of such veterans; and

WHEREAS, A master building program of the Veterans' Home of California ultimately will provide hospital and domiciliary beds for 3,300 disabled California veterans; and

WHEREAS, The construction of four new buildings containing 800 beds for such purposes will be urgently needed in the next few years; and

WHEREAS, Financial assistance in part will be needed from the Federal Government for construction of these buildings; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this State respectfully memorializes the Congress of the United States to enact legislation and appropriate moneys as proposed in H. R. 5134, Eighty-fifth Congress, First Session, which provides states with federal aid in part for construction, modernization, additions, and improvements of state operated soldiers' homes; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Administrator of the Veterans Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 141

Senate Joint Resolution No. 24—Relative to federal financial participation in the costs of administering public assistance.

[Filed with Secretary of State April 2, 1957.]

WHEREAS, Since the original enactment of the Social Security Act in 1935 the United States has paid one-half of the costs to the State and to the counties of administering federal public assistance programs, including old age assistance, aid to needy blind, and aid to needy children; and

WHEREAS, In the absence of such participation, the entire cost of administering these federal, state, and county partnership programs will fall upon the State and the counties; and

WHEREAS, The House of Representatives, by an amendment of H. R. 4249, the Third Deficiency Appropriation Bill, and further by an amendment of the Health, Education and Welfare appropriation bill for the next fiscal year, has placed a ceiling upon the amount of federal participation in the costs of administering public assistance; and

WHEREAS, By virtue of said amendment, the federal participation in the costs of the State and counties will be reduced by approximately 6 percent for the current fiscal year and for the succeeding fiscal year; and

WHEREAS, H. R. 4249 is now pending before a conference committee; and

WHEREAS, The inclusion of this ceiling in H. R. 4249 will disrupt all county budgets during the current fiscal year, and result in a deficit of one million eight hundred thousand dollars ($1,800,000) in said county budgets; and

WHEREAS, This ceiling has been proposed without any change in the provisions of the federal statutes providing for such federal participation in the amount of a full one-half of approved costs; and

WHEREAS, The inclusion of this ceiling will result in great hardship upon the counties of this State, and upon the State itself; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California does hereby protest the inclusion of this ceiling in H. R. 4249 and in the Health, Education and Welfare appropriation, and requests that it be deleted from both of these bills; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each Senator and to each Representative from this State in the Congress of the United States.

CHAPTER 142

Senate Concurrent Resolution No. 63—Relative to congratulating Glenn Fountain for his activities on behalf of Merced County and the State of California.

[Filed with Secretary of State April 2, 1957.]

WHEREAS, Glenn Fountain of Merced retired from the Office of Supervisor of the County of Merced on January 7, 1957, after serving in that capacity with great distinction for 16 years; and

WHEREAS, Mr. Fountain, born on June 14, 1891, in Klamath County, Oregon, moved to California in 1915, where he has since lived as a resident of Los Angeles and Merced; and

WHEREAS, For a period of 20 years he farmed in Merced County and for nine of these years, served as a field deputy assessor in the county assessor's office; thereafter he served as a County Supervisor of Merced County for 16 years, retiring on January 7, 1957; and

WHEREAS, As Chairman of the Flood Control Committee of the Merced County Board of Supervisors, Glenn Fountain travelled to Washington, D. C., on many occasions to assist in obtaining federal appropriations for the construction of flood control dams and other works on the streams in the Merced County Stream Group, during which time he worked closely with the late State Senator George Hatfield and with the State Legislature to bring about this much needed flood control project; and

WHEREAS, Mr Fountain's activities in this connection played a tremendous part in the authorization and construction of the flood control works in the Merced County Stream Group which saved the City of Merced and other areas from the ravages of the floods of December, 1955, and January, 1956; and

WHEREAS, Not only was Glenn Fountain very active in bringing about the construction of the Merced County Stream Group but he has served his county, State and Nation well, as a veteran, in his efforts in welfare affairs, as a member of the State Merit System Advisory Committee for 15 years, and as a member of the State Supervisors Relief Committee for 15 years; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature extend their congratulations to Glenn Fountain not only for his efforts in bringing about the Merced County Stream Group flood control works authorized and constructed but for the honor he has brought to this State by reason of his many other activities on behalf of the County of Merced, the State of California, and the United States; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to Mr. Glenn Fountain

CHAPTER 143

Senate Concurrent Resolution No. 73—Congratulating and commending Barbara Romack for golfing achievements.

[Filed with Secretary of State, April 2, 1957.]

WHEREAS, It has come to the attention of the Legislature that Miss Barbara Romack of the City of Sacramento continues her solid succession of victories on the golf courses of the world; and

WHEREAS, Miss Romack has earned international fame by winning the United States Women's Amateur Championship, the Canadian Women's Championship, the Florida East Coast Amateur Championship, the Palm Beach Invitational Women's Amateur Tournament, and the South Atlantic Women's Amateur Championship; and

WHEREAS, By winning the South Atlantic Women's Amateur Championship three times, the trophy for such championship was retired and presented to Miss Romack, such honor having been bestowed on only one other person, the great Babe Zaharias; and

WHEREAS, In addition to her outstanding ability as a golfer, Miss Romack is known and admired by the gallery for her pleasant and likable disposition and sportsmanlike demeanor on the fairways and greens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California extends its hearty congratulations and commendation to Miss Barbara Romack for her singular achievements in golfing, together with its sincere wishes for continued success; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Miss Barbara Romack.

CHAPTER 144

Senate Concurrent Resolution No. 74—Relative to the tragic death of the Honorable Ramon Magsaysay, President of the Republic of the Philippines.

[Filed with Secretary of State, April 2, 1957.]

WHEREAS, The Members of the Legislature and the people of the State of California were shocked by the sad news of the tragic death yesterday, March 17, 1957, of Ramon Magsaysay, President of the Republic of the Philippines; and

WHEREAS, The loss of this great President and other leaders of the government constitutes an irreparable loss to this great Republic; and

WHEREAS, The Republic of the Philippines has been a product of the administration of that country by the United States for 40 years; and

WHEREAS, The Republic of the Philippines has proven itself a competent and friendly independent government and has maintained a large measure of popular freedom in the nation; and

WHEREAS, Under the leadership of the distinguished President Ramon Magsaysay, the Republic of the Philippines has been a strong bulwark of defense of the free nations in Asia against the attacks of the communist dictatorships; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the recent, tragic, and untimely death of President Ramon Magsaysay constitutes an irreparable loss to the free nations of the world as well as a great national loss to the Republic of the Philippines; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send a suitably prepared copy of this resolution to the United States State Department for transmittal to the Government of the Republic of the Philippines; and be it further

Resolved, That when this Legislature adjourns this day that we do so out of respect to the honored memory of President Ramon Magsaysay.

CHAPTER 145

Assembly Concurrent Resolution No. 25—Relative to the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, April 3, 1957.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following Joint Rules of the 1955 Regular Session, as amended, be and the same are hereby adopted as the Joint Rules for the 1957 Regular Session.

JOINT RULES OF THE SENATE AND ASSEMBLY

COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the Rules of each house.

Joint Committees

2 The Rules Committee of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

BILLS AND RESOLUTIONS

Definition of Word Bill

4. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the Federal Government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

Introduction of Departmental Bills

10.5. No departmental bill shall be introduced at the request of or on behalf of any state officer or agency after the thirteenth calendar day of any general session, nor shall any departmental bill be introduced in duplicate in both houses of the Legislature at any session.

The Secretary of the Senate and the Chief Clerk of the Assembly shall have distinctive covers or backs prepared for departmental bills that are introduced at the request of or on behalf of any state officer or agency, which shall show at whose

request the bill is introduced. Any such bill when printed shall include in its heading a statement that the introduction of the bill was requested by a state officer or agency and setting forth the title of the officer or agency that made the request. Only those bills which are so identified shall be construed to be departmental bills within the provisions of this rule.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements.

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of one hundred fifty dollars ($150) at a general session or twenty-five dollars ($25) at a budget session Not more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during

a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A Daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

PASSAGE AND ENROLLING OF BILLS

Passage of Bills Preceding Final Adjournment

23. No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief

Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the Office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall

concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and the Assembly.

Report of Committee on Conference

29. The report of the committee on conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than two of the Senate members and two of the Assembly members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill.

The report of a conference committee shall be in writing, and a copy of the report shall be placed on the desk of each member of the house before it is acted upon by the house.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of

order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Measures

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

Miscellaneous Provisions

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual.

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 24 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative

news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first named author analyzing the constitutionality, operation or effect of a pending bill or other legislative measure, he is authorized and instructed to deliver two copies of the opinion to the first named author as promptly as feasible after the delivery of the original opinion and also to

deliver a copy to any other author of the bill or measure who so requests.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform each subsequent requester that such a resolution is being, or has been, prepared, and shall furnish such subsequent requester with the name of the member for whom the resolution was, or is being, prepared.

Expense of Members

35. As provided in Section 23b of Article IV of the Constitution, each Member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may

employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of fifteen cents ($0.15) per mile each way for travel within the State and ten cents ($0.10) per mile each way for travel outside the borders of the State incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twenty dollars ($20) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for

expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36 1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36 5. The provisions of this rule shall apply whenever a joint interim committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Legislative Budget Committee

37. In addition to any other committee provided for by these Rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro Tempore of the Senate and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of five Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not re-elected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not re-elected at the general election

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Auditor under the direction of the Legislative Budget Committee and to keep and make available all docu-

ments, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Auditor for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Auditor with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the Government of the State of California. But, except as hereinabove provided, neither the Legislative Auditor nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Auditor, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide

the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

Registration of Legislative Representatives

37.5. In addition to the duties hereinabove prescribed the Legislative Auditor is directed, so long as he is designated to be "clerk" or "secretary" pursuant to Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the Joint Rules, by contracts entered into pursuant to such Rules, or by direction of the Legislative Budget Committee.

Adjournment

38. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. Hereafter all regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Interhouse Cooperation

40. The Joint Committee on Interhouse Cooperation is hereby created It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof, concerning the relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has a continuing existence and may meet, act, and conduct its business at any place within the State, during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate membership shall consist of the President pro Tempore of the Senate, and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker, the Chairman of the Assembly Committee on Rules and the three other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between sessions in the Senate membership of the committee shall be filled by the Senate Committee on Rules. Vacancies occurring in the Assembly membership shall be filled by appointment by the Speaker.

The committee shall have authority to make rules to govern its own proceedings. It may also create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold.

The provisions of Joint Rule 36 shall apply to the committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the Chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Interim Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within 30 days after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

CHAPTER 146

Assembly Joint Resolution No. 24—Memorializing Congress to enact H. R. 5134, a bill to provide assistance to the states in the construction, modernization, additions, and improvements of domiciliary and hospital buildings of state veterans' homes by a grant to subsidize, in part, the capital outlay cost.

[Filed with Secretary of State, April 4, 1957.]

WHEREAS, There is an alarming shortage of hospital and domiciliary beds in California provided by the United States Veterans Administration for veterans of all wars; and

WHEREAS, The ever-increasing migration of veterans into California from every state in the Nation has brought here hundreds upon hundreds of thousands of veterans; and

WHEREAS, The veterans population of California stands today as one of the largest, if not the largest, in the United States; and

WHEREAS, The Federal Government has recognized assistance given by the states in their care for thousands of disabled war veterans through federal aid subsidies in part payment for day-by-day operating expenses to maintain establishments for the care of such veterans; and

WHEREAS, A master building program of the Veterans' Home of California ultimately will provide hospital and domiciliary beds for 3,300 disabled California veterans; and

WHEREAS, The construction of four new buildings containing 800 beds for such purposes will be urgently needed in the next few years; and

WHEREAS, Financial assistance in part will be needed from the Federal Government for construction of these buildings; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of this State respectfully memorializes the Congress of the United States to enact legislation and appropriate moneys as proposed in H. R. 5134, Eighty-fifth Congress, First Session, which provides states with federal aid in part for construction, modernization, additions, and improvements of state-operated soldiers' homes; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Administrator of Veterans Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 147

Senate Joint Resolution No. 9—Relative to Congress appropriating funds for the construction, operation and maintenance of the western land boundary fence along the border between the United States and Mexico.

[Filed with Secretary of State, April 5, 1957.]

WHEREAS, The fence constructed by the United States several years ago along the border between the United States and Mexico to prevent diseased livestock from straying across that border into California and other states is now in a bad state of repair; and

WHEREAS, In order to properly protect our livestock from exposure to such diseases as southern cattle tick fever, glanders, and dourine, the construction, operation and maintenance of an effective fence is urgently needed; and

WHEREAS, Animals straying into this Country from Mexico have infected domestic livestock with disease and continue to threaten our livestock industry; and

WHEREAS, The cost and inconvenience resulting from control and eradication of disease of livestock are great; and

WHEREAS, Should such disease again be carried into California or other western areas, economic loss would result not only from the disease but also from quarantine restrictions; and

WHEREAS, The United States Section, International Boundary and Water Commission, United States and Mexico, has agreed to supervise the construction of a fence if funds are provided therefor; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is hereby urged and memorialized to pass legislation to permit early repair, construction, operation and maintenance of the western land boundary fence; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 148

Assembly Joint Resolution No. 15—Relative to inclusion of information concerning mental retardation in the reports of the 1960 Federal Decennial Census.

[Filed with Secretary of State, April 5, 1957.]

WHEREAS, Statistical data concerning the characteristics and number of persons falling within the various gradations of mental retardation is not available at the present time; and

WHEREAS, Until such data is compiled and published, it will be exceedingly difficult, if not impossible for the legislatures of the several states to gauge the scope of the problems involved with respect to mentally retarded persons, and to enact constructive programs directed toward a solution of those problems; and

WHEREAS, The simplest and most economical method of gathering the information so urgently needed is through the Federal Decennial Census; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Commerce of the United States, acting through the Bureau of the Census, to compile and publish in connection with the 1960 Federal Decennial Census statistics relative to the number and characteristics of persons in all gradations of mental retardation; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Secretary of Commerce of the United States.

CHAPTER 149

Assembly Concurrent Resolution No. 103—Relative to the establishment of a specially designed industrial plant for the physically handicapped.

[Filed with Secretary of State April 5, 1957.]

WHEREAS, In an era when our worker pool is growing smaller in ratio to the demands upon it, it is unfortunate that the abilities and skills of many thousands of handicapped persons are not now being utilized; and

WHEREAS, Time and again handicapped workers have proven their worth in many lines of industry and manufacturing, and have been found to do their work as well as or better than able-bodied workers, to have a much lower rate of turnover, to have fewer lost-time accidents, and to have a very low absenteeism record; and

WHEREAS, A large pool of adequately trained physically handicapped workers would be a tremendous asset and a potent industrial force with which to meet national emergencies and disasters of any kind; and

WHEREAS, To utilize this undeveloped source of manpower, it is essential that a means be found to train handicapped persons; to provide facilities by which they may apply their skills in a constructive manner, and to open up new avenues through which such persons may earn a dignified living to the benefit of the American economy; and

WHEREAS, A plan now under development by a special committee is calculated to bring to a realization the goals described above; and

WHEREAS, This plan is based on the cooperative effort of various industries in the formation of a nonprofit corporation, which would construct a specially designed plant to house and train physically handicapped persons who could handle many types of industrial employment; and

WHEREAS, The construction and maintenance of the plant would be financed by long-term loans from these same industries, which in return would become lessors of footage in the plant; and

WHEREAS, After a period of time the loans would be repaid out of returns from output, and surplus funds thereafter accumulated would be used for further work and development of the organization; and

WHEREAS, Members of the committee engaged in the development of this outstanding plan are: Randolph Hearst of Hearst Publications; Gilbert W. Lindsay, Deputy to Mr. Kenneth Hahn, Supervisor of Los Angeles County; Sanford Sill, attorney at law; Robert Doyle, representing the physically handicapped; Donald Davis, architect: Thomas A. Foster, of Stationers Corporation, representing the stationery and office equipment industry; Murray Stravers, coordinator; Robert B Sill, banker; and Marshall S Johnson, originator and developer of the plan; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of this State take this means to extend recognition to the need for providing adequate facilities for the training of physically handicapped persons so that American industry may make full use of the skills and productive power of such persons, and further to urge industrialists, financiers, and other interested persons to acquaint themselves with and support the plan described in this resolution.

CHAPTER 150

Assembly Concurrent Resolution No 110—Relative to Invest in America Week

[Filed with Secretary of State, April 5, 1957]

WHEREAS, The American capitalistic system has provided the highest standard of living in any nation in the world today; and

WHEREAS, The American way of life is based on our economic system in which everyone is a capitalist, and

WHEREAS, This has come about because each individual, through his savings, has created the funds needed to produce the jobs and products for consumers while assuring greater opportunities at higher wages for all; and

WHEREAS, The community Invest in America Program throughout Northern California last year received national recognition through its receipt of the George Washington

Honor Medal of the Freedoms Foundation for its work in interpreting the American way of life; and

WHEREAS, Invest in America Week is recognized annually to focus attention on our individual stakes in our free enterprise system; and

WHEREAS, Invest in America Week is universally supported by business, labor, religious, educational and Governmental groups, as well as practically every other segment of our society, not only throughout Northern California, but throughout the Nation; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the week of April 28th through May 4th, in the year of our Lord 1957, be Invest in America Week throughout the State of California, and all citizens be encouraged to join in recognizing the outstanding merits of our American way of life.

CHAPTER 151

Assembly Concurrent Resolution No. 113—Relative to the tragic death of the Honorable Ramon R. Magsaysay, President of the Republic of the Philippines.

[Filed with Secretary of State, April 5, 1957.]

WHEREAS, This State has received the shocking news of the tragic, untimely death of President Ramon R. Magsaysay of the Republic of the Philippines; and

WHEREAS, The life of this great man has ended at the age of 49, bringing to a close a career in public life which, although spanning less than a dozen years, brought him international fame, and the love and friendship of all freedom-loving people; and

WHEREAS, His career, beginning as the son of a blacksmith, is the type of career so admired by the people of the United States, who include him as one of their greatest heroes, another man of humble origin, Abraham Lincoln; and

WHEREAS, During President Magsaysay's two and one-half years as President of the Republic of the Philippines, he proved to be a bulwark in the fight against communism; and

WHEREAS, Even under the test of bitter internal strife, President Magsaysay preserved and fostered the democratic process, proving that free people under a democratic form of government can be masters of their own destiny; and

WHEREAS, His dedication to democratic ideals is proved by his land reform program which alone is said to have won over to democratic principles more than one million former communistic sympathizers among the farmers of his nation; and

WHEREAS, The loss of this man's leadership will be felt not only by the Republic of the Philippines but by all the free nations of the world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the recent, tragic, and untimely death of President Ramon Magsaysay constitutes an irreparable loss to the free nations of the world, as well as a great national loss to the Republic of the Philippines; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send suitably prepared copies of this resolution to the United States State Department for transmittal to the Government of the Republic of the Philippines, and to the Grand Lodge, Cabellenos de Dimas Alang—Celistino T. Alfafara, Grand Master.

CHAPTER 152

Assembly Concurrent Resolution No. 119—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the nineteenth day of March, 1957.

[Filed with Secretary of State, April 9, 1957.]

City of Bakersfield. Charter amendments

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than 3,500 and fewer than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the twenty-third day of January, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the seventh day of November, 1914, and approved by the Legislature of the State of California in January, 1915; and filed with the Secretary of State on January 23, 1915; and

WHEREAS, On the twenty-eighth day of January, 1957, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held March 19, 1957, certain proposed amendments to the city charter of the City of Bakersfield, on said date, the city council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be held on the nineteenth day of March, 1957, which said date was fixed by the said city council of the City of Bakersfield as the time for voting on said amendments as proposed, and which said election was consolidated with the nominating municipal election held within said city on said date; and

WHEREAS, Said proposed amendments were published on the first day of February, 1957, in each edition of the Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said special election was duly and regularly held on the nineteenth day of March, 1957, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendments, and at said special election the said proposed amendments to said charter were voted upon by the qualified electors of the City of Bakersfield, and at said special election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said charter.

That the charter of the City of Bakersfield be amended as follows:

That Sections 113.1 to 113.10, inclusive, be added to the charter of the City of Bakersfield, which said sections shall read as follows:

TRANSIT AUTHORITY

Transit Authority of the City of Bakersfield Commission

Section 113.1(a) There is hereby created a department of the city to be known as the "Transit Authority of the City of Bakersfield," hereinafter referred to as the Authority, and the control of said department shall be vested in a Board of Commissioners hereinafter referred to as the Commission consisting of five regular members and two ex-officio members.

Membership

(b) The regular members of the Commission shall be appointed by the Council for a term of five years each, each term to commence on July 1 and to terminate on June 30, except that the first regular members shall be appointed by the Council as soon as practicable after this section becomes effective, one for a term ending June 30, 1958, one for a term ending June 30, 1959, one for a term ending June 30, 1960, one for a term ending June 30, 1961, and one for a term ending June 30, 1962. Each regular member shall hold office for the term for which he is appointed and until his successor is appointed and qualifies, shall serve without pay unless otherwise provided by ordinance, and shall be eligible to succeed himself. Any regular member of the Commission may be removed by five affirmative votes of the Council. In the event the office of any regular member becomes vacant the Council shall appoint a regular member to fill such vacancy and to serve for the remainder of the current term and until his successor is appointed and qualifies

Same

(c) One ex-officio member of the Commission shall be the City Manager and the other ex-officio member shall be such

head of a city department as shall be designated by the Council from time to time to serve as such member. An ex-officio member shall have the right to vote as a member of the Commission.

Oath

(d) Each regular member of the Commission shall take an oath to be given by the City Clerk to support the Constitutions of the United States of America and the State of California, the Charter of the city and the regulations of the Authority, such oath to be in addition to any loyalty or other oath required by law or city ordinance.

ADMINISTRATIVE OFFICER.

General Superintendent

Section 113.2. The Commission shall appoint an administrative officer whose title shall be "General Superintendent" and who shall have charge over subordinate personnel and who shall direct the operation, control and maintenance of any public transportation system or facilities owned or operated by the city. The General Superintendent shall serve at the will of the Commission; provided, that five affirmative votes of the Commission shall be necessary to discharge the General Superintendent. No member of the Commission shall be appointed General Superintendent.

OFFICERS AND DUTIES

Officers and duties

Section 113.3. (a) The officers of the Commission and of the Authority shall be a Chairman, a Vice-Chairman, and a Secretary, each to be appointed by the Commission. The Chairman and Vice-Chairman shall each be a regular member of the Commission, shall be appointed at the first meeting of the Authority held on or after each July 1st, shall serve until the next following June 30th and until a successor is appointed and qualified, and shall be eligible to succeed himself. A vacancy in either office shall be filled by the Commission, the appointee to serve for the remainder of the current term and until a successor is appointed and qualifies. The Secretary may but need not be a member of the Commission. The Secretary shall serve at the will of the Commission and may be paid such compensation for his services as the Council may establish. The Commission may appoint an assistant secretary who may but need not be a member of the Commission.

(b) The Commission shall by resolution fix rules and regulations governing the holding, calling, adjournment and conduct of meetings of the Commission. The Commission shall meet in regular meeting at least once each month. All meetings shall be open to the public and shall be held at such place as the Council may designate by ordinance. Minutes shall be kept of each meeting and all official actions shall be recorded therein. A majority of the members, including ex-officio members, shall constitute a quorum except that a lesser number may adjourn from time to time. Actions of the Commission

shall be by resolution or motion and the affirmative vote of a majority of the members, including ex-officio members, shall be required on any action except that a meeting may be adjourned until a future time by a majority of those present.

(c) If a regular member of the Commission shall be absent from all meetings of the Commission, regular and special, within a period of 60 consecutive days, unless such absence is excused by the Commission, the office of such member shall become vacant.

(d) The City Attorney shall be the legal advisor to the Commission and the Authority. The Commission may, with the consent of the Council, employ special legal counsel for temporary purposes.

POWERS OF COMMISSION.

Section 113.4. The Commission acting for the City shall have the power:

(1) To acquire (by purchase, lease, eminent domain or any other manner), construct, hold, operate and maintain public transportation facilities of every kind and nature (including but not limited to a municipal bus system) to serve the city and areas adjacent thereto, including such real and personal property within or without the city as may be necessary or convenient for such purposes. All property and facilities so acquired or held shall be acquired and held in the name of the city and shall be owned by the city. All purchases shall be made through the Purchasing Department of the city. Powers

(2) To plan, regulate, control, establish the policies for and otherwise have jurisdiction over any public transportation facilities owned or operated by the city.

(3) To fix, determine, establish and revise rates to be charged for the use of such public transportation facilities, the schedules and routes of such public transportation facilities, and the rules, regulations and policies pertaining to such facilities.

(4) To employ all personnel deemed necessary or convenient to operate the Authority as a department of the city and to operate and maintain the public transportation facilities under its jurisdiction The residence requirements of this Charter shall apply to all such employees, except the General Superintendent. Persons who were employees of a privately owned transit system in the City of Bakersfield, at the time such system or any part thereof was acquired by the city may be employed without regard to such residence requirements. The Commission may, from time to time, provide rules and regulations governing the conduct of such employees. Vacations with or without pay, sick leave, marginal benefits, and other terms and conditions of employment shall be established by ordinance and shall be the same as provided for employees of the miscellaneous departments of the City of Bakersfield Such employees, except the General Superintendent, shall also

be subject to, and have the benefits of, the provisions of this Charter regarding civil service for officers and employees in the miscellaneous departments. Upon recommendation and application of the Commission to the Council such employees may be included in such retirement system as may be applicable to the miscellaneous departments of the city.

(5) To take out and carry insurance insuring the city, its officers, employees and the Commission, and the property and equipment of the city of every kind or nature held or used in connection with public transportation facilities, against any or all risks; provided, that any of the foregoing insurance deemed by the Commission to be necessary may be provided by the city as a part of any general insurance carried by the city and need not be separate therefrom.

(6) To make all other rules and regulations and to take any other action deemed by the Commission to be necessary or convenient in the proper administration of the public transportation facilities under its jurisdiction.

(7) To recommend to the Council the adoption by it of such ordinances or other regulations as the Commission deems necessary or proper to provide an efficient public transportation system.

PUBLIC HEARING ON RATES AND ROUTES.

Public hearing on rates and routes

Section 113 5. In fixing the rates to be charged for the use of public transportation facilities under its jurisdiction, the Commission may fix rates at varying scales for different classes of customers and different length of travel. Before fixing, determining, establishing or revising rates or routes, the Commission shall hold a public hearing thereon and a notice of such hearing shall be published at least once in the official newspaper at least two days but not more than seven days before such hearing. Such notice shall state the time and place of the hearing and shall generally describe the actions proposed to be taken. At such hearing any resident of the city and any other interested person may present his objection to or views upon any action proposed to be taken. The determinations and sections of the Commission following such hearing shall be final and conclusive. The requirements of this section shall not apply to temporary changes made necessary to meet emergency conditions.

DISPOSITION OF REVENUE.

Disposition of revenue

Section 113 6. (a) All receipts from the operation of the Authority and of the public transportation system or systems under its jurisdiction shall be paid into the city treasury and deposited to the credit of the Authority in a separate fund or funds. Funds credited to the Authority shall be used for the following purposes in the following order of preference.

(1) The payment of current expenses of the Authority for its operation and for the maintenance, operation and repair of the public transportation system or systems under its jurisdiction, including but not limited to salaries, retirement system contributions, supplies and insurance premiums.

(2) Periodic deposits into such insurance or accident reserve funds as may be established by the Commission.

(3) Deposits into the depreciation reserve fund as hereinafter provided.

(4) The payment into the general fund of the city, or such other fund as the Council may designate, of the reasonable cost of any property or services rendered to the Authority by any other department of the city.

(5) The payment of interest and principal coming due on any bonds issued by the city for the acquisition, construction, establishment, improvement, or extension of public transportation facilities.

(6) Additions to or extensions or improvements of the public transportation facilities under the jurisdiction of the Authority.

(7) Deposits into a surplus fund established by the Commission.

(b) Any moneys in the surplus fund may be used from time to time for any of the foregoing purposes and following the close of each fiscal year any balance in the surplus fund which exceeds 15% of the total expenditures during the previous fiscal year for items under subdivision (1) above may, upon order of the Council, be transferred to the general fund of the city.

(c) The Council may from time to time advance, from the general fund or other available funds of the city, moneys to pay any of the items referred to in Subdivisions (1), (2), (3) and (6) above, and shall provide for the time, method and priority for the repayment of any such advances Such advances shall be credited to the funds of the Authority and shall be used as other funds credited to the Authority are used.

(d) The Council may in any year levy, over and above the limits prescribed by Section 56 of this Charter, a property tax for the purpose of supplementing the funds of the Authority, which tax levy may not exceed the rate of five cents on each one hundred dollars of assessed valuation of taxable real and personal property within the city. The proceeds of such tax shall be credited to the Authority, shall be used for the same purposes as those for which other funds credited to the Authority may be used, and shall not be considered an advance within the meaning of this section.

(e) Any payment by the city of principal and interest coming due on any bonds issued by the city for the acquisition, construction, establishment, improvement or extension of public transportation facilities out of funds of the city other than those credited to the Authority, whether raised by tax levy or

otherwise, shall not be considered an advance within the meaning of this section.

DEPRECIATION RESERVE FUND.

Depreciation reserve fund

Section 113.7. For the purpose of providing funds for the reconstruction and replacement of the properties forming a part of the public transportation system or systems under its jurisdiction made necessary because of physical or functional depreciation or obsolescence, the Commission shall create and maintain a depreciation reserve fund. The Commission shall, in accordance with good accounting practice, determine the annual amount necessary to provide for such depreciation or obsolescence and shall revise such amount from time to time as may be necessary. Subject to the availability of funds, there shall be paid monthly into said fund at least one-twelfth of the annual amount then in effect and the moneys accumulated in said fund shall be used only for the purpose for which it is created unless both the Commission and the Council shall each determine otherwise by a two-thirds vote of their respective memberships.

FISCAL BUDGET.

Fiscal budget

Section 113.8. Not later than the second Monday in May of each year the Commission shall prepare and submit to the Council a proposed budget, showing, in detail, the estimated revenues and expenses of the Authority for the fiscal year beginning the next following July 1. The Council shall review said budget at the time of reviewing other budgets for the operation of the City, may add to, delete or change the revenue and expense items therein, and after such review shall adopt a final budget for the Authority.

SECTIONS NOT APPLICABLE.

Limitation

Section 113.9. Sections 109 and 113 of this Charter shall not be applicable to public transportation facilities owned or operated by the City.

BONDED INDEBTEDNESS.

Bonded indebtedness

Sections 113.10. (a) The Council may, in the manner specified in laws of the State of California applicable thereto, call and otherwise provide for elections to authorize the incurring of bonded debt of the city, including general obligation bonds, for the purpose of acquiring, constructing, establishing, extending or improving public transportation facilities owned or operated or to be owned or operated by the city, and the provisions of Sections 110, 111 and 112 shall not be applicable thereto. Any such election held concurrently with the submission to the electors of the Charter Amendment of which this section is a part shall be conclusively deemed to have been held in accordance with the then existing provisions

of this Charter and if the proposition submitted at such election for the incurring of such debt shall have received the vote required by the Constitution and laws of the State of California the bonds authorized at such election shall be deemed valid bonds.

(b) The Council may issue and sell any bonds of the City authorized for any of the foregoing purposes and may grant to the Commission the authority to expend on behalf of the City the proceeds from the sale of such bonds for the purposes for which the same were issued.

That Section (210) 3 of the Charter of the City of Bakersfield be amended to read as follows:

APPOINTMENT OF SECRETARY—CLERICAL SERVICES.

Civil Service Board

Section 210(3). The Civil Service Board shall appoint one of its members as secretary, who shall perform such duties as may be assigned by said Board, and the City Manager shall provide such clerical or secretarial services to the Board or its secretary as may be necessary to carry out the functions of said Board or of the Trial Board.

That Section (217) 10 of the Charter of the City of Bakersfield be amended to read as follows:

CREATION AND ESTABLISHMENT OF TRIAL BOARD.

Trial Board

Section (217) 10 (a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the several departments affected by this amendment, a Board to be known as the Trial Board, which shall be composed of the members of the Civil Service Board The verdict and judgment of a majority of the Trial Board shall be final and conclusive.

(b) If the accused shall answer said charge within the allotted time, he shall be given five (5) days notice of the time and place of hearing of said charges, and the accused may, at the hearing of such charges, be represented by counsel and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf. If the accused be found guilty by the Trial Board, and in its opinion the charges are of such a character as to warrant dismissal, it shall so advise the appointive power and said appointive power shall then dismiss or discharge the officer or employee whose guilt has been so established and determined. If the Trial Board shall find that the accused be guilty as charged but that the charges do not warrant dismissal, it shall have the power to inflict such other punishment upon the accused as in its judgment shall be adequate; provided, however, that should an officer or employee affected by this amendment be convicted of a felony, or malfeasance in office, or be adjudged insane, the

position shall be declared vacant by the authority having the appointive power and the vacancy shall be filled as herein provided.

and

WHEREAS, The Council of the City of Bakersfield, County of Kern, State of California, in accordance with the law in such cases made and provided, did meet at its usual place of meeting, at the time and in the manner provided by law, and duly canvassed the returns of said election as certified by the Election Boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendments to the Charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of said City, whose certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF KERN } ss.
CITY OF BAKERSFIELD }

Certificate

This is to certify that we, Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at an election held within the City of Bakersfield on March 19, 1957, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 26th day of March, 1957.

FRANK SULLIVAN
Mayor of the City of Bakersfield.
(SEAL) MARIAN S. IRVIN
Clerk of the City of Bakersfield

and

WHEREAS, The said amendments to the charter of the City of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate Concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Bakersfield. Approval

STATE OF CALIFORNIA } ss.
COUNTY OF KERN }

I, Marian S. Irvin, City Clerk of the City of Bakersfield, State of California, hereby certify the foregoing and annexed to be a full, true and correct copy of the original Concurrent Resolution No. ____ approving certain amendments to the Charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the Electors of said City of Bakersfield at an Election held therein on the 19th day of March, 1957, on file in this office and that I have compared the same with the original.

WITNESS my hand and seal this 26th day of March, 1957

(SEAL) MARIAN S. IRVIN, City Clerk

CHAPTER 153

Senate Concurrent Resolution No. 81—Relative to the death of Herbert A. Dimaline.

[Filed with Secretary of State, April 9, 1957.]

WHEREAS, The Legislature has learned with deep regret of the recent passing of Herbert A. Dimaline of Madera; and

WHEREAS, Herbert Dimaline was a man of wide experience in many fields of business, having worked in the Rio de Janeiro office of a New York brokerage firm for three years, operated a secretarial school in Texas, served as a business consultant, handled municipal bond sales for various firms, and managed the sales department of a Los Angeles steel products firm; and

WHEREAS, Bert, as he was affectionately called by his numerous friends, moved to Madera County only five years ago, but within a short time became widely known and participated in many civic and public affairs; and

WHEREAS, After serving as secretary-manager of the Madera County Chamber of Commerce for a year and a half, he became county personnel officer on November 1, 1956, and two weeks later assumed the duties of the newly created post of county administrator; and

WHEREAS, His untimely death has deprived the State as well as Madera County of the service of a man whose energy and vision particularly suited him for public office, and whose

background and experience would have been of inestimable value to the people of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature hereby express their grief at the passing of Herbert A. Dimaline, and extend to his family and friends their most sincere sympathies; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Mrs. Elaine Dimaline, widow of Herbert A. Dimaline, Mrs. Louise Dimaline of Aransas Pass, Texas, his mother, Ernest Dimaline and Walter Dimaline, his brothers, and Mrs. Louise Dyer and Mrs Nell Aycock, his sisters.

CHAPTER 154

Senate Concurrent Resolution No. 71—Relative to the passing of A. D. Edmonston.

[Filed with Secretary of State, April 10, 1957]

WHEREAS, It has come to the attention of the Members of the Legislature, that Mr. A. D. Edmonston, State Engineer of California from 1950 to 1955, has recently passed away; and

WHEREAS, Mr. Edmonston served the State of California for 31 years successively as hydraulic engineer, Assistant State Engineer, and State Engineer, during which period his outstanding and devoted service contributed immeasurably to the development of the State's water resources; and

WHEREAS, In his various capacities he was largely responsible for creation of the State Water Plan, which initiated and proposed the Central Valley Project in 1930; and

WHEREAS, Mr. Edmonston, with his keen foresight of the enormous future water needs of the State, originally conceived and staunchly supported the Feather River Project and the California Water Plan; and

WHEREAS, The bold concept of the plans he created will leave its indelible imprint on the future development of the water resources of California; and

WHEREAS, It is proper that Mr. Edmonston be honored by the Legislature representing the people of the State of California who have benefited and will continue to benefit from the fruits of his years of vision and labor; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Members of this Legislature hereby recognize and pay tribute to Mr. A. D Edmonston for his great contributions to this State as the creator of the Feather River Project and other water conservation works for the State of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably engrossed copies of this resolution to his widow, Mrs. Dell Edmonston of Sacramento, and to his sons,

R. M. Edmonston of Pasadena, and Donald Edmonston of Berkeley.

CHAPTER 155

Assembly Concurrent Resolution No. 59—Relative to a legislative investigation of the problems of poultry producers in California.

[Filed with Secretary of State, April 10, 1957.]

WHEREAS, A long period of depressed prices has created serious problems for the poultry producers in this State; and

WHEREAS, If this condition continues, many family farmers will be forced to discontinue poultry production; and

WHEREAS, The economic welfare of poultry producers in this State and their ability to operate is seriously jeopardized by the shipment into this State of poultry from areas that do not employ union labor in the production or processing of poultry for marketing and areas with much lower health and inspection standards than are required of poultry producers in California; and

WHEREAS, The Members of this Legislature should be fully informed regarding these problems in order to enact necessary legislation to preserve the poultry production industry in this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Interim Committee on Agriculture and Livestock Problems is requested to study the subject matter of the recitals of this resolution and particularly depressed prices in the poultry industry and the causes thereof, to hold hearings in the poultry-producing areas of the State, and to report thereon to the Legislature, including their recommendations as to needed legislation; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the chairman and to the members of said committee and to the Director of the State Department of Agriculture.

CHAPTER 156

Assembly Concurrent Resolution No. 120—Relative to the Western Regional Conference on Education Beyond the High School.

[Filed with Secretary of State, April 10, 1957.]

WHEREAS, The Western Regional Conference of the President's Committee on Education Beyond the High School will be held in San Francisco on April 10 and 11, 1957; and

WHEREAS, The rapid growth and development of the West have provided unprecedented increases in enrollments in the public schools and in the institutions of higher learning; and

WHEREAS, Studies of enrollments projected 10 years ahead reveal that more than twice as many high school graduates must then be accommodated as are presently enrolled in public and independent junior colleges, colleges, and universities; and

WHEREAS, Technological advances require that an adequate supply of well-trained young men and women be available to meet the needs of the expanding economy of this vast region; and

WHEREAS, Steps must be taken immediately to develop plans to solve in an orderly manner the problem of providing the anticipated increased number of students with education in post-high school institutions so that the educational needs of the students may be met and so that there may be made available an adequate number of educated persons to meet the demands of industry, business, government, and the social community for properly qualified young men and women; and

WHEREAS, The President's Committee on Education Beyond the High School has called this conference to bring together for two days of intensive discussion of the problem and possible solutions thereof governors, legislators, regents and trustees, college and university leaders, and interested citizens from the 11 western states and the Territories of Alaska and Hawaii; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California recognizes the importance of the Western Regional Conference of the President's Committee on Education Beyond the High School to be held in San Francisco on April 10 and 11, 1957, and extends its hope and expectation that the conference will be of assistance to the several states in giving shape and direction to all forms of education beyond the high school; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Governor of the State of California and that the Governor is respectfully requested to distribute the copies to the Chairman of the President's Committee on Education Beyond the High School, to the Chairman of the Western Regional Conference, and to each person whose name appears upon that document in the Governor's office entitled "Persons Invited to Participate in the Western Regional Conference on Education Beyond the High School."

CHAPTER 157

Assembly Concurrent Resolution No. 124—Thanking Cecil B. DeMille.

[Filed with Secretary of State, April 10, 1957]

WHEREAS, Mr. Cecil B. DeMille has invited the Members of the Legislature to a preview to be held on April 4, 1957, of his recent motion picture "The Ten Commandments"; and

WHEREAS, This magnificent spectacle based upon the Holy Scriptures is the most elaborate film ever undertaken by the motion picture industry; and

WHEREAS, Mr. DeMille has spared no effort or expense in assuring the authenticity of the story and the background of this stirring drama of the life of Moses, which will be an inspiration to the millions of people who see it throughout the world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature commend Mr. DeMille and all those associated with him in the production of this supreme masterpiece, "The Ten Commandments," and express their appreciation for the invitation to attend its preview in Sacramento; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to Mr. Cecil B. DeMille, Producer and Director of "The Ten Commandments," Mr. Adolph Zukor, Chairman of the Board of Paramount Pictures, Mr. Barney Balaban, President of Paramount Pictures, Mr. Y. Frank Freeman, Chief of Production at Paramount Pictures, Mr. Elmer Rhoden, President of National Theatres, Mr. Frank H. Ricketson, Jr., General Manager of National Theatres, Mr. William Thedford, Division Manager of Fox West Coast Theatres, Mr. L. G. Tavolara, District Manager of Fox West Coast Theatres, and Mr. M. C. Brodie, Manager of the Senator Theatre, Sacramento.

CHAPTER 158

Senate Concurrent Resolution No. 87—Commending the Los Angeles Examiner, its publisher, editor and staff for the series of articles entitled "Our Wasteful Courts."

[Filed with Secretary of State, April 11, 1957.]

WHEREAS, It has come to the attention of the Legislature that the Los Angeles Examiner has evidenced great consciousness of its civic responsibility; and

WHEREAS, In connection therewith the Los Angeles Examiner has published a series of articles entitled "Our Wasteful Courts"; and

WHEREAS, These articles brought to public attention the need for a serious study to be made of the operation of the courts to the end that justice not be delayed and that the trial of cases be held expeditiously; and

WHEREAS, The articles have served to spur consideration of remedial legislation to the end that such defects as may exist in the court structure are remedied; and

WHEREAS, The Los Angeles Examiner, under the able direction of its publisher, Franklin S. Payne, and its editor, Warden Woolard, has made an important contribution to the public

welfare through the series of articles written by Jack Keating, staff reporter; and

WHEREAS, Said articles have aroused widespread public interest; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Los Angeles Examiner, Franklin S. Payne, Warden Woolard and Jack Keating be commended for their contribution to the cause of justice through their journalistic enterprise; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the Los Angeles Examiner, Franklin S. Payne, Warden Woolard and Jack Keating.

CHAPTER 159

Assembly Joint Resolution No. 17—Relative to compensation of postal employees.

[Filed with Secretary of State, April 12, 1957]

WHEREAS, The wages of United States postal employees, despite an increase granted in 1955, have not kept pace with the spiraling costs of living; and

WHEREAS, The result of the inadequate salary adjustment has been that many postal workers have had to find part-time jobs to supplement their income, or their wives have been obliged to take employment outside of the home; and

WHEREAS, The low salary scale has been a dominant factor in the high rate of turnover of personnel in California post offices and has caused the postal service difficulty in securing capable, reliable employees; and

WHEREAS, There have been several bills introduced in the current session of Congress, specifically, S. 27, H. R. 720, H. R. 756, H. R. 1907, and H. R. 2203, which would increase the salaries of postal employees to a level which would compensate for the rise in the cost of living; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact legislation for an increase in the compensation of postal employees commensurate with existing costs of living; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Postmaster General, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 160

Assembly Concurrent Resolution No. 88—Relative to commending Mr. and Mrs. Paul Miller for services to their Country.

[Filed with Secretary of State, April 12, 1957]

WHEREAS, Mr. and Mrs. Paul Miller have rendered services of inestimable value to their Country by posing for several years as Communist Party members for the purpose of ferreting out and reporting to the Federal Bureau of Investigation information as to communist activities in the Los Angeles area; and

WHEREAS, Due to their conscientious and untiring efforts in helping to stamp out the communist threat in our Country, Mr. and Mrs. Miller were subjected to great danger, humiliation, and to extreme abuse from their former friends; and

WHEREAS, Mrs. Miller displayed immeasurable courage in testifying before the Subversive Activities Control Board with respect to the information obtained by her as secretary to the executive board of an insidious communist front organization known as the Los Angeles Committee for Protection of Foreign Born; and

WHEREAS, Mr. Miller displayed equal courage both by his activities in the Los Angeles area under the guise of Communist Party membership, and for his previous services rendered as an undercover agent for the Federal Bureau of Investigation; and

WHEREAS, The Millers are truly deserving of the commendations bestowed upon them by such illustrious Americans as the President and Vice President of the United States, the Director of the Federal Bureau of Investigation, the Mayor of Los Angeles and others, and are totally undeserving of any criticism for their activities directed against them by persons ignorant of the circumstances involved; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature take this means to commend Mr. and Mrs. Paul Miller for the services they have rendered to their Country; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. and Mrs. Paul Miller.

CHAPTER 161

Assembly Concurrent Resolution No. 116—Relative to the passing of Captain Richard Walter Wuest.

[Filed with Secretary of State April 12, 1957]

WHEREAS, The Members of the Legislature have learned with profound sorrow of the death, on January 25, 1957, of Captain Richard Walter Wuest; and

WHEREAS, The passing of Captain Wuest has brought to a close a long and distinguished career dedicated to the service of his Country and of his community; he was born in Ohio on June 13, 1886, graduated from the United States Naval Academy in 1909, participated in the Nicaraguan and Mexican Campaigns and World War I, and retired initially in 1939; and

WHEREAS, From that retirement he was recalled to the service of the Nation during World War II and, in serving in a command position during that crisis, he added to his exemplary reputation for competency and devotion to duty; he had the distinction of having established the first naval intelligence office in Philadelphia, and, in addition to his other honors, was made an Honorary Commander of the British Empire; and

WHEREAS, His talents and energies were not limited to military pursuits; after more than a full measure of dedicated service as a naval officer, he furthered his formal education by work leading to a master's degree in education at Temple University and served as a professor in that institution for five years; throughout his life he took special interest in the education of young people and was always willing to make his great knowledge and vast experience available for that purpose; and

WHEREAS, In his chosen community of Fallbrook, California, he served as a member of the Fallbrook Union High School Board and thus continued his life-long practice of devoting himself to the unselfish service of his community and his fellow man; his own life served as an example of the ultimate in good citizenship; his kindness, consideration, honesty, and fidelity endeared him to his associates and neighbors; his death has deprived that community of wisdom, experience, and integrity that will be difficult to replace; and

WHEREAS, It is appropriate that the Legislature take this occasion to mark the passing from this life of a distinguished naval officer, a model citizen, and an enlightened and dedicated public servant; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature proclaim the sorrow and sense of loss with which they note the passing of Captain Richard Walter Wuest of Fallbrook, record their admiration of his exemplary life, and extend their sincerest sympathies to all members of his family in their bereavement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to his widow, Mrs. Mildred Wuest, Colonel and Mrs. Jacob Wuest, Mr. and Mrs. Charles Wuest and Colonel and Mrs. D. B. Crafton.

CHAPTER 162

Assembly Concurrent Resolution No 117—Relative to the Los Angeles Civic Center.

[Filed with Secretary of State, April 12, 1957]

WHEREAS, The Los Angeles Civic Center is the site of city, county and state buildings; and

WHEREAS, It is desirable that this group of buildings comprising the center of governmental activity for a large and prosperous area present a harmonious and unified appearance; and

WHEREAS, All of said buildings except one are of a permanent and harmonious exterior finish, which said building is a temporary painted exterior, and is expensive to keep up, as well as detracting from the dignity and beauty of the area as a whole; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Architecture of the Department of Public Works be requested in any future construction or external alteration of state buildings in the Los Angeles Civic Center, to give consideration to the style and appearance of the county buildings in that area, and to design and construct the state buildings to harmonize with the architecture of the city and county buildings; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Director of Public Works, the State Architect, the State Public Works Board, and the Director of Finance.

CHAPTER 163

Senate Concurrent Resolution No. 80—Relative to the retirement of Helen R. MacGregor.

[Filed with Secretary of State April 12, 1957]

WHEREAS, It has come to the attention of the Legislature that Miss Helen R. MacGregor is retiring from the California Youth Authority Board, and is leaving shortly to fulfill a lifelong ambition to study human relations and family counseling at the University of Edinburgh in Scotland; and

WHEREAS, Miss MacGregor, a native Californian, commenced her career of public service following her admission to practice law in 1922, by accepting the position of deputy clerk of the Justice Court of Oakland Township; and

WHEREAS, She later served as Secretary to United States District Judge Frank H. Kerrigan for several years until her appointment in 1935 as Secretary and Deputy District Attorney under Earl Warren, then District Attorney for Alameda County; and

WHEREAS, Miss MacGregor continued to assist Earl Warren in positions as deputy and secretary during his years as Attorney General and Governor of California; and

WHEREAS, Miss MacGregor's keen interest and concern with the welfare and problems of young people led Governor Warren in 1953 to appoint her to the Youth Authority Board; and

WHEREAS, During her term as a member of that board she has served as departmental representative on the State Mental Health Coordinating Committee, as chairman of the Subcommittee on Mental Hygiene in Correctional Agencies, and has played an active part in various projects and studies relating to the problems of older girls; and

WHEREAS, In addition to her full-time position with the Youth Authority, she has found time to serve also on the Board of Directors of the American Red Cross, the Sacramento County Society for Crippled Children, the Lincoln Christian Center, the California Junior Museum, and the Family and Children's Council of San Francisco; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby commends Helen R. MacGregor for her many years of devoted service to the State, and particularly for her untiring efforts on behalf of the youth of California, and extends its sincere wishes for her future success and happiness; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Miss Helen R. MacGregor.

CHAPTER 164

Senate Concurrent Resolution No. 86—Relative to the death of Herbert Fleishhacker, Sr.

[Filed with Secretary of State, April 12, 1957]

WHEREAS, The Members of the Legislature of the State of California have read with profound sorrow of the death of California's distinguished philanthropist, Herbert Fleishhacker, Sr; and

WHEREAS, Mr. Fleishhacker, a banker and financier of enterprise and acumen, was above all a generous public-spirited citizen, deeply interested in the welfare and progress of San Francisco; and

WHEREAS, During his lifetime he not only served on many public commissions sponsoring civic projects, but also contributed much of his own wealth toward their realization; and

WHEREAS, The Fleishhacker Zoo, Fleishhacker Pool, the Opera House, the Veterans' War Memorial Building and Aquatic Park will remain as lasting monuments to his untiring efforts in behalf of his beloved city; and

WHEREAS, In addition to his 25 years on the Park Commission, Mr. Fleishhacker served long and well on such other boards as the San Francisco Art Commission, the De Young Museum Board of Trustees and the Children's Hospital Board, and at the time of his death was zealously promoting the creation of "Story Land," a children's amusement park; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members deeply deplore the passing of this revered citizen, Mr. Herbert Fleishhacker, Sr., and desire by this resolution to convey their deepest sympathy to his bereaved family; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit suitably prepared copies of this resolution to his widow, Mrs. Herbert Fleishhacker, Sr, and to his children, Herbert Fleishhacker, Jr., Alan Howard Fleishhacker and Mrs. Martin S. Mitau.

CHAPTER 165

Senate Concurrent Resolution No. 93—Approving an amendment to the charter of the City of San Bernardino, County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the nineteenth day of March, 1957.

[Filed with Secretary of State April 12, 1957.]

City of San Bernardino Charter amendments.

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of San Bernardino, a municipal corporation situated in the County of San Bernardino, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss.
CITY OF SAN BERNARDINO }

Certificate.

We, the undersigned, Raymond H. Gregory, Mayor of the City of San Bernardino, State of California, and Jack T. Felton, City Clerk of said city, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a city of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a special election, to wit:

a Primary Municipal Election, held within said city on the 19th day of March, 1957, a certain proposed amendment to the city Charter of said city.

Said proposed amendment was published in The San Bernardino Daily Sun and San Bernardino Evening Telegram, each being a newspaper of general circulation printed and published in said city and each having a general circulation therein, and each being an official newspaper of said city, on the 4th day of February, 1957, in each edition thereof on said day, and said publications were made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California

Said legislative body caused copies of said amendment to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said city and, until the day fixed for said election, advertised in The San Bernardino Daily Sun and San Bernardino Evening Telegram, each being a newspaper having a general circulation in said city, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 19th day of March, 1957, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspapers of said proposed amendment, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment to said city Charter.

Said proposed amendment was duly and regularly submitted to, and duly ratified by, the said qualified voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with.

Said amendment is as follows:

Article III, Section 40, Subsection Sixteenth is amended to read as follows:

Facilities for collection of sewage, etc

Sixteenth: To acquire, establish, construct, reconstruct, maintain, operate, manage, repair, improve or finance any building, system, plant, works, facilities or undertaking used for or useful in the collection, treatment or disposal of sewage and the reclamation of effluent therefrom, or storm water, including drainage.

Article VIII, Section 134, Section 147 and Section 149 are amended to read as follows:

Charges for sewer service

Section 134. The Mayor and Common Council shall levy charges for sewer service which, if so ordered by the Mayor and Common Council, may be collected together with or separately from charges for water service and all charges received for sewer service and all other income and receipts derived from the operations of the sewer system, including any sewage treatment and effluent reclamation works, or arising from the

sewer system or said works shall be paid into the Sewer Fund. Said charges shall be at least sufficient to pay the following amounts in the order set forth:

(a) The necessary and reasonable maintenance and operation costs of the sewer system, including any sewage treatment and effluent reclamation works (which include the reasonable expenses of billing and collection of service charges, management, repair and other expenses necessary to maintain and preserve the sewer system and said works in good repair and working order);

(b) The principal and interest on bonds issued for sewer purposes;

(c) Any payments specifically authorized or required by the Mayor and Common Council in any ordinance or resolution providing for the issuance of said bonds.

Section 147. Out of the Street Fund shall be paid all sums authorized to be paid for repairing and improving streets which shall have been accepted so as to become a charge upon said City; for cleaning streets; crossings and for street sprinkling, or oiling; for all street work in front of, or assessable upon property owned by said City, or any department thereof, or by the Government of the United States; for all repairs upon the public streets deemed of urgent necessity, and for all other expenditures on the streets and highways deemed necessary by the Mayor and Common Council and authorized by any provision of this Charter.

Payments from Sewer Fund

Section 149. Out of the Sewer Fund shall be paid (a) the necessary and reasonable maintenance and operation costs of the sewer system, including any sewage treatment and effluent reclamation works (which include the reasonable expenses of billing and collection of sewer charges, management, repair and other expenses necessary to maintain and preserve the sewer system and said works in good repair and working order); (b) the principal and interest on bonds issued for sewer purposes; (c) any payments specifically authorized or required by the Mayor and Common Council in any ordinance or resolution providing for the issuance of said bonds; (d) amounts, as the Mayor and Common Council may direct, for the payment of the costs of extensions and improvements of or additions to the sewer system and said works or for any other sewer purpose.

Article IX, Section 163, Subsection Third is amended to read as follows:

Management of sewage disposal plant

Third: If so ordered and in the manner directed by the Mayor and Common Council to generally regulate, control, manage, renew, repair and extend the City sewage disposal plant which was constructed in 1928 and that portion of the outfall sewer lines, extending from Mill and "E" Streets south to said sewage disposal plant. If so ordered by the Mayor and Common Council, all costs and expenses in connection therewith shall be paid from the Water Fund.

We have compared the said ratified amendment with the original proposed amendment submitted to the qualified electors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said Charter, and each of them, are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this 5th day of April, 1957.

(SEAL)

RAYMOND H. GREGORY
Mayor of the City of
San Bernardino, California.
JACK T. FELTON
City Clerk of the City of
San Bernardino, California.

and

WHEREAS, Said amendment to the charter of the City of San Bernardino so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Bernardino as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment and as part of the said charter of the City of San Bernardino.

CHAPTER 166

Assembly Concurrent Resolution No. 96—Relative to the naming of State Highway Route 227.

[Filed with Secretary of State, April 12, 1957.]

WHEREAS, State Highway Route 227 lies in the County of Alameda, which was served with distinction for many years by Earl Warren as district attorney; and

WHEREAS, The Honorable Earl Warren, whose illustrious career includes service for 11 years as Governor and four years as Attorney General of this State, is held in highest esteem by all Californians, and

WHEREAS, His appointment in 1953 as Chief Justice of the United States, and his statesmanship, sound judgment and courageous actions in that high office have brought great honor

to this State and to the County of Alameda; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 227, also known as "Mountain Boulevard Freeway," is hereby designated the "Warren Boulevard," and the Department of Public Works is requested to erect appropriate signs at both termini of that route showing this official designation; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Director of Public Works.

CHAPTER 167

Senate Joint Resolution No. 23—Relative to memorializing Congress to enact legislation to provide for utilization of commercial marine terminal facilities by the United States.

[Filed with Secretary of State, April 17, 1957.]

WHEREAS, The United States Government and particularly the Army and Navy ship a large volume of nonsecurity cargo through marine terminal facilities owned and operated by the government, and route very little of such cargo over commercial marine terminal facilities owned or operated by public and private ports in the State of California; and

WHEREAS, The public and private ports are an important part of the Nation's transportation facilities and were used to capacity during World War II; and

WHEREAS, The maintenance and operation of commercial marine terminal facilities in a healthy condition adequately staffed with competent and experienced personnel are essential to the general welfare of the Nation in a time of war or emergency; and

WHEREAS, The public and private ports are ready, willing and able, and should be permitted to handle a fair share of nonsecurity government cargo at the regularly established tariff rates approved by the appropriate state and federal regulatory agencies, or at fair and reasonable uniform negotiated rates; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California does hereby respectfully urge and memorialize the Congress of the United States to enact legislation similar to H. R. 2229, Eighty-fifth Congress, which would require the appropriate agency or agencies of the United States Government to take such steps as may be necessary and practicable to assure that nonsecurity government cargo shall be transshipped by the use of publicly or privately owned commercial marine terminal facilities, to the extent that such marine terminal facilities are available at fair and reasonable rates, in such manner as will insure a fair and reasonable participation of such commercial

marine terminal facilities in the transshipment of such cargoes by geographic areas; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 168

Assembly Concurrent Resolution No. 140—Approving six certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the second day of April, 1957.

[Filed with Secretary of State, April 18, 1957.]

City of Los Angeles: Charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of six amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

Certificate

We, John S. Gibson, Jr., President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million nine hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 2nd day of April, 1957, all as required by law, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5 and 6, respectively.

That on the 20th day of February, 1957, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 20, 1957, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 20, 1957, to and including April 2, 1957; and a notice was advertised and published on and from February 20, 1957, to and including April 2, 1957, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 2, 1957, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on April 15, 1957, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

PROPOSED CHARTER AMENDMENT NO 1

Section 181½ of the Charter of The City of Los Angeles is amended to read as follows:

Limitations of maximum pension to Fire and Police Departments

Sec. 181½. The limitations of the amount of maximum pension payable pursuant to Section 181 of this Article shall apply uniformly to all members of the Fire and Police Departments.

PROPOSED CHARTER AMENDMENT NO. 2

Section 111 of the Charter of The City of Los Angeles is amended to read as follows:

Application

Sec. 111. The provisions of this article shall apply to all departments, divisions and offices of the City government including therein all employees of the city, except that the following shall be exempt therefrom, to wit:

All officers elected by the people

All members of the several boards.

The secretary to the Mayor.

The chief deputy of the Controller.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department

The assistants, deputies, clerks and stenographers of the City Attorney.

The General Manager who is the Chief Engineer of the Department of Water and Power, and two deputies of said General Manager, provided that if the work of that Department be divided into two bureaus as provided elsewhere in this Charter, then there shall be exempted the General Manager who is the Chief Engineer of the Bureau of Water Works and Supply and the General Manager who is the Chief Electrical Engineer of the Bureau of Power and Light, and a Deputy of the General Manager of each of the two Bureaus.

The Auditor and the Cashier of the Department of Water and Power

Four persons employed to render services in the Department of Water and Power as assistants or deputies, at a position level in any supervisory line of authority in said Department higher than any position existing under the classified civil service in said line of authority, or as members of the staff, of the General Manager of that department, or as they may be divided by action of the Board of Water and Power Commissioners between the respective General Managers if the work of that Department be divided into two bureaus; provided that each such person must, at the inception of such exempt employment, hold a position in the Department of Water and Power under the classified civil service provisions of this charter, and must have held one or more such positions for an aggregate period of fifteen years

or more, and provided further that the exemption of each such person shall be declared by the Board of Water and Power Commissioners.

The General Manager of the Department of Airports.

The General Manager of the Department of Traffic.

The City Administrative Officer and two Assistant City Administrative Officers.

The Chief Engineer of the Department of Public Utilities and Transportation.

The Traffic Manager and the Port Warden of the Harbor Department.

The Inspector of Public Works.

All physicians appointed by the Health Board.

All physicians appointed on or after January 1, 1955, to render services in the Department of Water and Power; provided that such appointments shall be without prejudice to those appointed subject to this article before said date.

All officers of election.

Persons specially employed by the City Clerk, as authorized by the provisions of Section 305 hereof, to assist in the conduct of any election.

The Police Surgeon and assistant police surgeons.

All employees of Advisory Borough Boards.

Persons or positions elsewhere specifically exempted by the provisions of this charter.

Persons employed to render professional, scientific, technical or expert services of an exceptional character upon the request of the head of the department, division or office in which such persons are to be employed, approved by resolution of the Council, and by the Board of Civil Service Commissioners.

Any of the following persons may be exempted from the provisions of this article upon the request of the head of the department, division or office in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution, to wit. (a) the first and second deputies in any department, division or office, or either of such deputies where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings In the same manner there may be exempted in any department, division or office any position requiring the services of one individual for not more than half time and paying a salary not to exceed three-fourths of the monthly rate established by the salary fixing authority of such department, division or office for entering level clerical positions. Any exemption made under the provisions of this paragraph may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Leave of absence from classified civil service

Each and every person exempted by or pursuant to the provisions of this section shall, during the period of such exempt employment, be considered as being on leave of absence from

the classified civil service if at the time of such exemption he holds a position in the classified civil service, or is entitled to hold a position therein, and shall continue, during such period, to accrue seniority credit the same as though serving in the position in the classified civil service from which he is deemed to be on leave.

PROPOSED CHARTER AMENDMENT No. 3

The Charter of The City of Los Angeles is amended by amending paragraph (c) of subsection (1) of Section 220.1 thereof to read as follows:

Retirement date for employees of Department of Water and Power

(c) That the normal retirement date for employees of said Department shall be the first day of the calendar month which next follows the sixty-second birthday anniversary for women and the sixty-fifth birthday anniversary for men;

That said Department shall not employ nor retain in its employment any man or woman subsequent to his or her normal retirement date, except for special reason, and unless recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners;

That any employee eligible to participate in the benefits of said plan and system may be retired from the service of said Department prior to normal retirement date upon the written application of the employee; provided, that such retirement is recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners; and provided further, that the employee is a female fifty-five years of age or over, or is a male sixty years of age or over, and shall have been employed in said Department for at least ten years in the twelve years immediately preceding retirement; or the employee, regardless of age or sex, shall have been employed in said Department for at least thirty years; or the employee, regardless of age, sex or duration of service, is receiving benefits under said plan and system for permanent total disability, and elects to accept a retirement allowance in lieu of such benefits The amount of retirement allowance payable to any employee shall be determined actuarially on the basis of his accumulated credits and his age at the time of retirement;

PROPOSED CHARTER AMENDMENT No. 4

Subsection (c) of Section 109 of the Charter of The City of Los Angeles is amended to read as follows:

Appointment of Police Department candidates

(c) The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months, except that a longer period, not exceeding twelve months, may be fixed for those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties

of regular police officers, and for those members of the Fire Department appointed under civil service rules and regulations to perform the duties of regular firemen. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said board may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the appointing authority of the department or office in which the candidate is employed may discharge him upon assigning in writing the reasons therefor to said board. If he is not thus discharged during the period of probation, his appointment shall be deemed complete.

PROPOSED CHARTER AMENDMENT NO. 5

Section 112 of the Charter of The City of Los Angeles is amended by amending subsection (a) thereof and adding subsection (c) thereto, to read as follows:

Power to remove officers, etc

(a) Any board or officer having the power of appointment of officers, members and employees in any department of the government of the city shall have the power to remove, discharge or suspend any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed, discharged or suspended except for cause, which shall be stated in writing by the board or officer having the power to make such removal, discharge or suspension, and filed with the Board of Civil Service Commissioners, with certification that a copy of such statement has been served upon the person so removed, discharged or suspended, personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Upon such filing such removal, discharge or suspension shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so removed, discharged or suspended, filed with said board within five days after service upon him of such statement, shall proceed to investigate the grounds for such removal, discharge or suspension. If after such investigation said board finds, in writing, that the grounds stated for such removal, discharge or suspension were insufficient or were not sustained, and also finds in writing that the person removed, discharged or suspended is a fit and suitable person to fill the position from which he was removed, discharged or suspended, said board shall order said person so removed, discharged or suspended to be reinstated or restored to duty. The board with the consent of the appointing authority may also order a reduction in

the length of the suspension, or substitution of a suspension for a removal or discharge, if the board finds, in writing, that such action is warranted. The order of said board with respect to such removal, discharge or suspension shall be forthwith certified to the appointing board or officer, and shall be final and conclusive; provided, that the order of any appointing board or officer suspending any person because of lack of funds in such department shall be final, and shall not be subject to review by said Board of Civil Service Commissioners. If the Board of Civil Service Commissioners shall order that any person removed, discharged or suspended under the provisions of this section be reinstated or restored as above provided, the person so removed, discharged or suspended shall be entitled to receive compensation from the city the same as if he had not been removed, discharged or suspended by the appointing board or officer.

Limitation

(c) The provisions of subsection (a) hereof shall not apply to any suspension of five working days or less in any twelve-month period for personal delinquency. The reasons stated in writing for any such suspension shall be furnished to the suspended employee and promptly filed with the board. Any such suspension which results in an employee having a total suspended time by reason of the exercise of authority under this subsection in excess of five working days in any twelve-month period shall be subject to all of the provisions of subsection (a) hereof.

PROPOSED CHARTER AMENDMENT NO. 6

Section 107 of the Charter of The City of Los Angeles is amended to read as follows:

Promotion

SEC. 107. The board shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of lower ranks as desire to submit themselves to such examination and who have such experience, qualification or qualifications as may be required by the board as a prerequisite for taking such examination; and it shall be the duty of the board to submit to the appointing power for each promotion the names of not more than three applicants having the highest rating; but in fixing said rating an allowance of credits, to be stated at the time of the announcement of said examination, shall be made for past service. Upon the written request of the appointing power, the board may certify the names of those applicants having the highest ratings on the open competitive eligible list whose scores before adjustment for preferential credits are higher than the score of the highest available applicant on the promotional eligible

register after credits for past service have been added. Names of candidates on the register of eligibles for promotion shall be stricken therefrom after they shall have remained thereon two years without re-examination. The board shall cause to be held promotional examinations at such intervals that there shall at all times be maintained a register of eligibles for promotional positions in the classified civil service in which there are vacancies. The method of examination, and the rules governing the same, and the method of certifying shall be the same as provided for applicants for original appointment, except as otherwise provided in this section.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 15th day of April, 1957.

JOHN S. GIBSON, JR.
President of the City Council
(SEAL) of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 169

Assembly Concurrent Resolution No. 143—Memorializing Frank J. Sandy.

[Filed with Secretary of State, April 23, 1957.]

WHEREAS, The Members of the Legislature of the State of California were shocked to learn of the untimely death on April 12, 1957, of Fire Chief Frank J. Sandy of the City of Piedmont; and

WHEREAS, Frank Sandy joined the Oakland Fire Department in 1912, the first civil service employee in the department, and served with that organization for 35 years, during 25 of which he was a battalion chief; and

WHEREAS, Following his retirement, he accepted the position of Chief of the Piedmont Fire Department, continuing to devote his energies to the protection of the lives and property of the citizens of his community; and

WHEREAS, Throughout his many years of public service he was a strong advocate of the prevention of needless and wasteful fires, in furtherance of which he organized the Sparky Club for the children of Piedmont to instill into them a respect for the dangers of fire and the devastation it can cause; and

WHEREAS, Chief Sandy's death, in the noble tradition of the fire service, came while in the line of duty when though severely injured, he directed the rescue of a woman from a burning house before he allowed his own injuries to be treated; and

WHEREAS, In the passing of this public-spirited citizen who dedicated his entire life to the service of his fellow man and the protection of his community, the State of California and the City of Piedmont have suffered an irreparable loss; his place in the hearts of his countrymen will not soon be filled, nor will his devotion to duty soon find parallel; solace for the sorrow his passing brings to his family, his associates, his community, and his State can be found only in the reflection that his life which has so tragically concluded may well serve as a model and inspiration to us and to our children; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members express their profound grief at the passing of Chief Frank J. Sandy, and extend their deepest sympathies to his family and friends; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to his widow, Mrs. Margaret W. Sandy, his children, Mrs. Frances Matousek, Mrs. Winifred Silva, and Mr. James F. Sandy, and to his sister, Mrs. Nora Tillmany.

CHAPTER 170

Assembly Concurrent Resolution No. 123—Relative to the Calexico Cotton Carnival.

[Filed with Secretary of State, April 24, 1957]

WHEREAS, It is with great pleasure that the Legislature has received the news that the first annual Calexico Cotton Carnival will be held May 23-26, 1957, by the citizens of Calexico, Imperial County, California, and those of the great neighboring area of the Mexicali Valley of Baja California; and

WHEREAS, Cotton is one of California's most valuable and important crops and Imperial County is one of the five leading cotton-producing counties of California; and

WHEREAS, The Legislature of the State of California has traditionally looked with favor on public celebrations of all kinds, and specifically agricultural fairs and those creating international goodwill; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do express congratulations and best wishes to Imperial County, Calexico, and Mexicali, Baja California, on the occasion of the first Calexico Cotton Carnival; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit 10 suitably prepared copies of this resolution to the Calexico Chamber of Commerce, the Calexico Cotton Exchange, and the Mexicali Chamber of Commerce.

CHAPTER 171

Assembly Concurrent Resolution No. 134—Relative to the expansion program of the Kaiser Steel Corporation.

[Filed with Secretary of State, April 24, 1957]

WHEREAS, The Kaiser Steel Corporation will increase its current $113,000,000 expansion program by an additional $81,000,000; and

WHEREAS, The entire program, which now totals $194,000,000, will increase Kaiser Steel's production capacity from 1,536,000 ingot tons to approximately 3,000,000 ingot tons annually, virtually doubling its capacity, and in terms of finished steel products the principal increases will be in plate, sheet, tin plate and pipe, all products which are in greatest demand in the West; and

WHEREAS, The new blast furnace to be built at Fontana will increase hot metal (pig iron) production 630,000 tons annually to a total of 2,121,000 tons a year. With its blast furnaces at Fontana, which utilize iron ore, coal, and limestone from company-owned deposits in the West, Kaiser Steel is the only fully integrated steel plant on the West Coast; and

WHEREAS, This $194,000,000 program is the largest single industrial expansion ever undertaken in the history of the West Coast; and in the fall of 1958 will give to California the largest producer of steel west of the Mississippi; and

WHEREAS, Approximately 2,700 people will be added to the regular pay roll, as well as the thousands of new jobs created during the construction phase of the program; and

WHEREAS, The availability of steel produced on the West Coast is a prime factor in the expansion and the creation of new industrial enterprises on the West Coast; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature does hereby congratulate the Kaiser Steel Corporation, its officers and employees, and Henry J. Kaiser, the founder and developer, on this huge new expansion program, and commend this great industrial enterprise for its contributions, past, present, and future, to the economy of California and the West Coast; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mr. Henry J. Kaiser, Mr. Edgar F. Kaiser, Mr. Henry J. Kaiser, Jr., Mr. E. E. Trefethen, Jr., and to Mr. Jack L. Ashby.

CHAPTER 172

Assembly Concurrent Resolution No. 136—Approving certain amendments to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election consolidated with the General Municipal Election of the City of Alameda held therein on the twelfth day of March, 1957.

[Filed with Secretary of State, April 24, 1957.]

City of Alameda Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS
OF THE CITY OF ALAMEDA
OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.
CITY OF ALAMEDA }

Certificate

We, the undersigned, Raymond P. Kranelly, Mayor of the City of Alameda, and Shirley H. Tennier, City Clerk of the City of Alameda, do hereby certify and declare as follows:

That the City of Alameda, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the 5th day of May, 1937, has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 29th day of April, 1937, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of May, 1937 (Statutes of 1937, page 2880).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Alameda, being the legislative body thereof, by its Resolution numbered 5519, adopted on January 2, 1957, and by its Resolution numbered 5524, adopted on January 15, 1957, duly and regularly submitted to the qualified electors of said City two certain proposals to amend the Charter of the City of Alameda and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolutions called for said purpose in said City on the 12th day of March, 1957, and consolidated with the General Municipal Election of the City of Alameda to be held in said City on said 12th day of March, 1957.

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Alameda on the 29th day of January, 1957, in the Alameda Times-Star, a newspaper of general circulation published daily except Sunday in the said City of Alameda and the official newspaper of said City, and in each edition thereof during said day of publication.

That said Council caused copies of said proposals to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on January 30, 1957, advertised in said Alameda Times-Star daily, except Sunday, until the day fixed for said election, a notice that copies of said proposals could be had on application therefor at the office of the City Clerk of said City and that printed copies of said proposals were on hand and could be had on application therefor at said office of said City Clerk from January 30, 1957, up to and including the day fixed for said election.

That said special municipal charter amendment election consolidated with the General Municipal Election of the City of Alameda was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 12th day of March, 1957, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said Alameda Times-Star.

That the Council of said City of Alameda did, in the manner provided by law, duly and regularly canvass all ballots cast at said special municipal charter amendment election consolidated with the General Municipal Election of the City of Alameda, as aforesaid, and did, by resolution duly adopted on March 19, 1957, duly find and declare that a majority of the qualified voters voting on each of the proposals voted in favor thereof and that both of said proposals to amend the Charter of said City were ratified.

That a majority of the qualified voters voting on each of said proposals voted in favor of the ratification of and did ratify said proposals to amend said charter of said City.

That said charter amendments so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election are in the words and figures following, to-wit:

PROPOSAL No. 1

Repeal

By repealing Section 11-2 of the Charter of the City of Alameda in its entirety; said Section 11-2, which is repealed in its entirety, reads as follows:

"In the event that the estimated income for support of the schools in the City, exclusive of City funds, is, in the opinion of the Board of Education, insufficient to properly support such schools, the Board shall, on or before the second Monday in May of each year, submit to the Council its itemized budget of estimated income and expenses for the next ensuing fiscal year, accompanied by a request for such sums of money as will be necessary to balance such budget The Council shall include in the next succeeding tax levy and apportion to the Alameda School Fund as received the amount of money so requested, except that by the affirmative vote of four members thereof, the Council may reduce such amount and apportion to such Fund, not less than twenty cents on each one hundred dollars of assessed valuation. Such Fund shall be expended by the Board of Education, but otherwise held and audited as other City Funds."

PROPOSAL No. 2

(a) By amending Section 2-3 of Article II thereof, to read as follows:

"Sec. 2-3. The following offices are hereby established and the incumbents thereof shall be appointed by and hold office at the pleasure of the City Manager: Chief of Police; Chief of the Fire Department; Health Officer; City Physician; City Engineer; Superintendent of Streets; City Planning Director." Officers

(b) By amending Section 7-12 of Article VII thereof, to read as follows:

"Sec. 7-12. The Chief of Police, Chief of the Fire Department, Health Officer, City Physician, Superintendent of Streets, City Engineer and City Planning Director shall each have power to discipline any employee under his control by the imposition of a fine not to exceed one month's salary, or by suspension without pay for not to exceed thirty days, or other penalty less than dismissal, subject to appeal to the City Manager who shall, on such appeal, have final and arbitrary authority to affirm, modify or revoke such penalty." Power to discipline employees

(c) By adding Section 7-11.1 to Article VII thereof, which shall read as follows:

"Sec. 7-11.1. The City Manager shall appoint a City Planning Director who shall be the chief executive of the City Planning Department and Secretary to the City Planning Board." City Planning Director

(d) By repealing Section 9-1 (f) of Article IX thereof. Said Section 9-1 (f) of Article IX, which is repealed, reads as follows: Repeal

"Sec. 9-1. It shall be the duty of the City Clerk: City Clerk

(f) To act as Secretary to the City Planning Board."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Alameda with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the Charter of the City of Alameda are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to both of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Alameda to be affixed hereto this 5 day of April, 1957.

RAYMOND P. KRANELLY
(SEAL) Mayor of the City of Alameda
SHIRLEY H. TENNIER
City Clerk of the City of Alameda

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Alameda, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Alameda.

CHAPTER 173

Assembly Concurrent Resolution No. 139—Approving amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the second day of April, 1957.

[Filed with Secretary of State, April 24, 1957.]

City of San Mateo: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the charter of the City of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION OF CHARTER AMENDMENT

STATE OF CALIFORNIA
County of San Mateo } ss.
City of San Mateo

Certificate

We, the undersigned, Edward J. Reilly, Mayor of the City of San Mateo, and William J. O'Farrell, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, is now and at all times herein mentioned was, a city containing a population of more than 3,500 inhabitants, and has been ever since the 26th day of January, 1923, and is now, organized, existing and acting under a freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the 19th day of December, 1922, and approved by the Legislature of the State of California by a concurrent reso-

lution filed with the Secretary of State on the 26th day of January, 1923.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Mateo, being the legislative body thereof, on its own motion, duly and regularly submitted a certain proposal for the amendment of the Charter of said City, to be voted on by the qualified electors of said City at the regular municipal election to be held therein on the 2nd day of April, 1957.

That pursuant to resolution duly adopted by the City Council of said City of San Mateo, the proposed Charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

That said general municipal election was duly and regularly held on Tuesday, April 2, 1957, and the City Council of said City of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and did on the 8th day of April, 1957, by Resolution No. 41 (1957), duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election a majority of the qualified electors voting on Proposal A to amend the Charter of said City of San Mateo voted in favor of said amendment, and the said City Council of said City did by said Resolution No. 41 (1957) find, determine and declare that the said proposed amendment to the Charter of the City of San Mateo, being Proposal A, was ratified by a majority of the qualified electors of said City voting thereon.

That said amendment to the Charter so ratified by the qualified electors of the City of San Mateo, at said general municipal election, is in words and figures as follows, to-wit:

PROPOSAL A.

AMENDMENT OF SECTION 35 OF THE SAN MATEO CITY CHARTER PROVIDING THAT THE COUNCIL, BY ORDINANCE, MAY FIX THE FISCAL YEAR

Shall Section 35 of the Charter of the City of San Mateo, California be amended to read as follows:

"Section 35. Fiscal Year The City Council shall, by ordinance, from time to time as it may deem necessary, fix the period of the fiscal year"? Period of fiscal year

We further certify that we have compared the foregoing amendment with the original proposal A filed and submitted to the qualified electors of the City of San Mateo, as aforesaid, and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of said City of San Mateo to be affixed hereto, this 8th day of April, 1957.

(SEAL)

EDWARD J. REILLY
Mayor of the City of San Mateo
WILLIAM J. O'FARRELL
City Clerk of the City of San Mateo

and

WHEREAS, Said proposed charter amendment has been and is now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, That said amendment to said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the charter of said City of San Mateo.

CHAPTER 174

Assembly Concurrent Resolution No. 125—Relative to Independence Day of the Republic of Mexico.

[Filed with Secretary of State, April 25, 1957.]

WHEREAS, This year marks the one hundred forty-seventh anniversary of the Independence Day of the Republic of Mexico, which is celebrated throughout the Republic of Mexico and the Latin American countries; and

WHEREAS, This revered holiday, September 16th, commemorates that fateful day in 1810 when Father Miguel Hidalgo rang the church bells in the small hamlet of Dolores to summon his little flock and inspire them to throw off the chains of tyranny and fight for freedom from foreign domination; and

WHEREAS, Father Hidalgo's "El Grito de Dolores" initiated the heroic struggle which culminated in independence for the people of Mexico and a recognition of human rights and dignity; and

WHEREAS, This independence played an important role in the subsequent origin and development of the State of California; and

WHEREAS, In recognition of the friendly and cooperative spirit of fair play and unity of purpose which has characterized our relations with the Republic of Mexico and other Latin American countries, it is fitting and proper that we honor

these countries for their steadfast devotion to the cause of freedom; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature, on behalf of the people of the State of California, extend to the people of the Republic of Mexico and the other Latin American countries our sincere appreciation and commendation for their heroic pursuit of independence and convey to them our warm wishes for their continued dedication to the principles of liberty and individual rights; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to each of the following:

Sr. Don Adolfo Ruiz Cortinez, Presidente Constitucional de la República de México, México, D. F., México;

Sr. Don Luis Padilla Nervo, Secretario de Relaciones Exteriores, México, D F., México;

Sr. Don José Rodriguez Clavería, Presidente de la Comisión Permanente del Congreso de la Unión, México, D. F., México;

Sr. Don Hilario Medina, Presidente de la Suprema Corte de Justicia de la República Mexicana, México, D. F., México;

Sr. Don Alvaro Obregón, Gobernador Constitucional del Estado de Sonora, Hermosillo, Sonora, México;

Sr. Don Braulio Maldonado, Gobernador Constitucional del Estado de Baja California, Mexicali, Baja California, México;

Sr. Don Adolfo Domínguez, Consul General de México, Los Angeles, California;

Sr. Don Edmundo Gonzalez, Consul General de México, San Francisco, California; and be it further

Resolved, That the Chief Clerk of the Assembly is further directed to transmit two additional suitably prepared copies of this resolution to the first named author thereof for such distribution as may be expedient.

CHAPTER 175

Assembly Concurrent Resolution No. 127—Congratulating Flora Gilliam.

[Filed with Secretary of State, April 25, 1957.]

WHEREAS, The Legislature of California in 1955 established a Joint Legislative Committee for School Visitations to formulate and organize a program of educational tours of the State Capitol for school children; and

WHEREAS, Flora Gilliam was selected by the committee to supervise the arrangements for scheduling trips and providing guide service for the tours; and

WHEREAS, The tremendous success of the program has been due mainly to Flora's skill and efforts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members congratulate Flora Gilliam on her excellent work in eliminating the confusion formerly incident to such school visitations, and turning them into entertaining and beneficial educational experiences for the children; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Flora Gilliam.

CHAPTER 176

Assembly Concurrent Resolution No. 128—Relative to the passing of Rudy Hickey.

[Filed with Secretary of State, April 25, 1957]

WHEREAS, The Members of the Legislature have learned with profound regret of the untimely passing of the noted Sacramento sportswriter Rudy Hickey; and

WHEREAS, Rudy Hickey was born in Lincoln, Placer County, California, and attended schools in the Sacramento area where he first developed his keen interest in sports of all kinds; and

WHEREAS, Upon graduation from high school in 1917, he was employed by the Sacramento Bee and began a career as a newspaperman which was to continue for 40 years thereafter and which brought him great distinction; and

WHEREAS, Though his career as a newspaperman was chiefly centered upon the reporting of athletic and other sporting news, his extraordinary journalistic abilities were applied also to the reporting of the news on a great variety of subjects and events; and

WHEREAS, Rudy Hickey served for many years as the sports editor of the Sacramento Bee during which time he reported almost every type of athletic event ranging in scale from local high school contests to world championship boxing matches, major collegiate football games, racing classics, and numerous other events, while at the same time becoming an authoritative writer on fish and game problems, and

WHEREAS, In addition to his work as a journalist he was an energetic participant in community affairs and took an active part in assisting in and promoting the development of talented athletes in California, many of whom rose to fame in the baseball and boxing worlds, and was instrumental in development of the Municipal Baseball League; and

WHEREAS, He served with distinction as president of the Northern California Turf Writers Association and was a member of the McClatchy Newspapers Twenty-Five Year Club; and

WHEREAS, Rudy Hickey left a multitude of friends everywhere who grieve at his departure from this life; and

WHEREAS, Rudy Hickey left to mourn his untimely passing to the greater reward his loving wife, Lolita Hickey, and a daughter, Mrs. Mary Lou Halkett; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express their grief at the death of this outstanding citizen, and extend to his family their profound sympathy; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. Lolita Hickey, widow of Rudy Hickey, and to his daughter, Mrs. Mary Lou Halkett.

CHAPTER 177

Assembly Concurrent Resolution No. 145—Approving charter amendments to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the ninth day of April, 1957.

[Filed with Secretary of State, April 25, 1957]

City of Glendale Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Glendale, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF GLENDALE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF GLENDALE }

Certificate

We, John M. Lawson, Mayor of the City of Glendale, and G. E. Chapman, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which Charter

was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion, by Resolution No. 12,290 adopted on the 8th day of January, 1957, duly and regularly submitted to the qualified electors of the City six proposals for the amendment of the Charter of the City which were designated as Charter Amendments Nos. 1, 2, 3, 4, 5 and 6, and The Council ordered that the proposed charter amendments be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 9th day of April, 1957, which date was fixed in the resolution as the date for holding the special municipal election.

That on the 28th day of February, 1957, the proposed charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed charter amendments were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 28, 1957, to and including April 9, 1957; and a notice was advertised and published on and from March 1, 1957 until April 9, 1957, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That the Council of the City did, by ordinance designated as Ordinance No. 2918, which was duly passed on March 7, 1957, order the holding of a general and a special municipal election in the City of Glendale on the 9th day of April, 1957, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed charter amendments as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 26, 1957, and April 2, 1957, pursuant to the provisions of the Charter of the City of Glendale, in the Glendale News-Press; and The Council of the City did by the ordinance order the special municipal election consolidated with the General Municipal Election to be held in the City on the 9th day of April, 1957.

That the special municipal election was held in the City of Glendale on the 9th day of April, 1957, which day was not less than forty days, and not more than sixty days after the proposed amendments to said Charter had been published once in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the special municipal election and did, by resolution adopted on April 15, 1957, duly declare the results of the special municipal election as determined from the canvass of the returns thereof.

That at the special municipal election, Charter Amendments Nos. 1, 2, 3, 4, 5 and 6 were ratified by a majority of the electors of the City voting thereon.

That the six charter amendments so ratified by the electors of the City of Glendale are in words and figures as follows:

CHARTER AMENDMENT NO. 1

Section 1 of Article IV, Sections 3 and 5 of Article X, Section 2 of Article XIX, Sections 1 and 3 of Article XXI, and Section 5 of Article XXIV of the Charter of the City of Glendale are amended to read:

"(Article IV) Section 1. The officers of the City of Glendale shall be five members of The Council, a City Assessor, a City Tax Collector, a City Manager, a City Controller, a City Clerk, a City Treasurer, a City Attorney, a Director of Public Works, a City Engineer, a Street Superintendent, a Superintendent of Buildings, a Chief of Police, a Fire Chief, and a Health Officer. The Council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of offices herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this charter. The Council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employees in the several offices and departments as they deem necessary. The members of The Council, the members of the Board of Education, the City Treasurer and the City Clerk shall be elected from the City at large, as provided in this charter; provided, however, that all qualified electors of the Glendale City School District shall also have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this charter, or as The Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees, is vested in The Council or any Commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

Officers of City of Glendale

Duties of Public Welfare Department

"(Article X) Section 3. The Public Welfare Department shall have charge of the following: conservation and preservation of health, promotion of cleanliness, charity and welfare, playgrounds, entertainments, parks, and library.

Duties of Public Works Department

"(Article X) Section 5. The Public Works Department shall have charge of: general engineering, traffic engineering, flood control, street and sewer construction and maintenance, assessments, building inspection, care of public buildings, collection and disposal of refuse, and installation, maintenance and removal of parkway trees and parkways.

Care and supervision of parks

"(Article XIX) Section 2. The Council shall provide for the general care and supervision of parks.

Duties of Public Works Department

"(Article XXI) Section 1. The Public Works Department shall have charge of general engineering, traffic engineering, flood control, street and sewer construction and maintenance, assessments, building inspection, care of public buildings, collection and disposal of refuse, and installation, maintenance and removal of parkway trees and parkways.

Street Superintendent

"(Article XXI) Section 3. Street Superintendent. The Street Superintendent shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City of Glendale and used for street construction and repair.

Suspension of competition

"(Article XXIV) Section 5. Suspension of Competition.

(1) In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, and upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the Commission may, after public hearing and by the affirmative vote of all its members, suspend competition, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual report of the Commission.

(2) In case of a vacancy in the position of City Controller, City Attorney or his assistants or deputies, Director of Public Works, Superintendent of Buildings, City Engineer, Street Superintendent, Head or Chief Librarian, or in an office created by ordinance, and upon the filing with the Commission of a written statement by the appointing agency that it intends to appoint a designated person of recognized attainments to fill such vacancy, competition shall be suspended."

CHARTER AMENDMENT NO. 2

Section 9 of Article VI of the Charter of the City of Glendale is amended to read:

Contracts

"(Article VI) Section 9. Contracts: Every contract, involving an expenditure of more than Two Thousand Five Hundred Dollars ($2,500.00), for the erection, improvement

and repair of public buildings and works, for street and sewer work, for the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants, gas mains and generators, improvement and development of parks and playgrounds, and works for protection against overflow, and each separate purchase of materials or supplies for the same where the expenditure required for such purchase shall exceed the sum of Two Thousand Five Hundred Dollars ($2,500.00), shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which shall be at least ten (10) days before the time for opening bids; provided, that the Council may reject any and all bids presented and may re-advertise in its discretion. After rejecting bids or if no bids are received, the Council may declare and determine that in its opinion the work in question may be performed better or more economically by the City with its own employees, or that such materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by a four-fifths vote, it may proceed to have said work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this section; and, provided further, that such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the Council to be of urgent necessity, and shall be authorized by a four-fifths vote.

Limitation

Nothing in this section shall prohibit the doing of such work or any portion thereof, by the City, with its own employees without first advertising for bids; provided, however, that where the estimated cost of doing such work, except repair or maintenance work, shall exceed the sum of Two Thousand Five Hundred Dollars ($2,500.00), it shall be authorized by the Council by resolution. Nothing in this section shall apply to or prohibit the purchase of materials or supplies for the care, repair or maintenance of streets or public utilities without first advertising for bids."

Charter Amendment No. 3

Section 3 of Article IV and Section 4 of Article XXIII of the Charter of the City of Glendale are amended to read:

Salary of council members

"(Article IV) Section 3. The members of The Council shall each be paid Twenty-five Dollars ($25.00) for each meeting of The Council attended, but not exceeding six meetings in each month. The Board of Education shall serve without compensation. All other officers, assistants, deputies, clerks and employees shall receive such compensation as The Council may from time to time determine by ordinance.

Compensation of elective officers

"(Article XXIII) Section 4. The compensation of elective officers shall not be increased during the terms of their respective offices except by vote of the electors."

CHARTER AMENDMENT NO. 4

Repeal

Section 8.1 of Article XXIV of the Charter of the City of Glendale is hereby repealed.

CHARTER AMENDMENT NO. 5

Section 4 of Article XXIV of the Charter of the City of Glendale is amended to read:

Examinations

"(Article XXIV) Section 4. Examinations. All applicants for positions in the classified service, except applicants for positions for which competition has been suspended as provided in this article, shall be subject to examination controlled by the Commission. Such examinations shall be public, competitive, and free, except as is otherwise provided in this article. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate, shall include or exclusively consist of tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. A stenographic report or sound recording of all oral examinations shall be made. The Commission shall provide by rule when such report or recording may be destroyed, but such rule shall not permit destruction until at least thirty days after approval of the eligible list resulting from the examination."

CHARTER AMENDMENT NO. 6

Subdivision 4 of Section 2 of Article XXIV of the Charter of the City of Glendale is amended to read:

"(Article XXIV, Section 2. Duties of the Commission.)

Lists of successful candidates

(4) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years nor less than one year provided that the Commission may cancel any list established from an open examination which contains the names of not more than three persons whose names have been submitted for appointment and the persons not appointed."

We further certify that we have compared the text of the foregoing charter amendments with the original proposals submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy thereof. That as to said charter amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 15th day of April, 1957.

JOHN M. LAWSON
(SEAL) Mayor of the City of Glendale
G. E. CHAPMAN
City Clerk of the City of Glendale

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Glendale, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Glendale. Approval

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CHAPTER 178

Senate Joint Resolution No. 31—Relative to residence housing at state colleges.

[Filed with Secretary of State, April 26, 1957]

WHEREAS, Bills now pending before Congress, and particularly H. R. 6659, would provide for an increase in the interest rate on federal loans for college residence housing from 2⅞ percent to 3½ percent, and would make such increase apply retroactively to applications filed after March 15, 1957; and

WHEREAS, State colleges in this State were not eligible to apply for such loans until action was taken at the current legislative session, and an application could not be filed in their behalf until April of 1957; and

WHEREAS, The financing of the state college program was developed on the basis of the availability of federal loans at a 2⅞ percent interest rate, and any increase in the interest rate on such funds would result in a substantial curtailment of an essential program for the construction of residence housing at state colleges; and

WHEREAS, The projected enrollment at state colleges for the near future anticipates a tremendous growth in the student population, making it essential that residence facilities be constructed immediately; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this State respectfully memorializes Congress, if it desires to increase the interest

rate on federal loans for college residence housing, to make such increase effective on applications filed after May 1, 1957, to permit the state colleges in this State to secure the benefit of the existing lower rate; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from this State in the Federal Congress.

CHAPTER 179

Senate Concurrent Resolution No. 101—Approving amendment to the charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eighth day of April, 1957.

[Filed with Secretary of State, April 26, 1957.]

City of Chico Charter amendment

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment hereinafter set forth to the charter of the City of Chico, a municipal corporation of the County of Butte, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF BUTTE,
CITY OF CHICO. } ss.

Certificate

We, the undersigned, THEODORE MERIAM, Mayor of the City of Chico, and DEMING HOBART, Clerk of the City of Chico, do hereby certify and declare as follows:

That the City of Chico in the County of Butte, State of California, has at all times mentioned herein been, and now is, a municipal corporation of the State of California, containing a population of more than thirty-five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, and ever since the 16th day of April, 1923, organized, existing and acting under a free-holders charter adopted under and by virtue of the provisions of Section VIII, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 15th day of December, 1921, and approved by the Legislature of the State of California on the 3rd day of February, 1923.

That the legislative body of said city, namely, the Council of said city, of its own motion did, pursuant to the provisions of Section VIII, Article XI of the Constitution of the State of California, by resolution adopted the 5th day of February, 1957, and duly published in the manner and form required by

law, duly proposed to the qualified electors of the City of Chico, a certain amendment to the Charter of said City and ordered that said amendment be submitted to the qualified electors of said City on the 8th day of April, 1957, at the General Municipal Election to be held in said City, the date of which election is fixed by said Charter of the City of Chico hereinbefore referred to, and which said date was fixed in said resolution as the date for voting upon said amendment proposed.

That the proposed amendment was duly and regularly published and advertized on the 16th day of February, 1957, and on the 23rd day of February, 1957, in accordance with Section VIII, Article XI of the Constitution of the State of California, in the "Chico Enterprise-Record", a daily newspaper of general circulation printed and published in the City of Chico and having a general circulation therein, the said newspaper being the official newspaper of the City of Chico.

That copies of said proposed amendment to said Charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendment until the date fixed for the election on said Charter amendment, the legislative body of the City of Chico, to wit: the Council of the City of Chico, caused to be published in the "Chico Enterprise-Record", said official newspaper of the City of Chico, a notice that such copies could be had upon application therefor in the office of the City Clerk of the City of Chico.

That the said Council of the City of Chico did by Ordinance No. 540, dated March 21, 1957, entitled: "An ordinance calling for the holding of a municipal election on Monday, April 8, 1957, fixing the time, stating the objects of such election, designating the officers of the election precincts, consolidating regular election precincts, and designating the polling places of each consolidated precinct" order the holding of the general municipal election of the said City of Chico on the 8th day of April, 1957, for the purpose, among other things, of causing a vote upon the ratification of said proposed charter amendment, which said date so fixed was not less than forty days nor more than sixty days after the completion of the publication of the proposed charter amendment; and that in accordance with the provisions of the Charter of the City of Chico and said Ordinance so adopted, the City Clerk of the City of Chico did cause said Ordinance to be published in the "Chico Enterprise-Record" once each week for two weeks next preceding the date fixed for said election, to wit: March 25, 1957, and April 1, 1957, pursuant to the provisions of the Charter of the City of Chico, and which said Ordinance provided, among other things, for the voting upon said proposition entitled: "Proposition to Amend the Charter of the City of Chico."

That said General Municipal Election was held in the City of Chico on the 8th day of April, 1957, which said day was not less than forty days nor more than sixty days after the publication of the "Resolution that Proposed Amendment to the Charter of the City of Chico be Submitted to the Voters

of said City at the Election to be Held in said City on April 8, 1957," in the "Chico Enterprise-Record" on February 16, 1957 and February 23, 1957.

That the said Council of the City of Chico did in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said election insofar as it concerned the proposed Charter amendment as determined from a canvass of the returns thereof, which result was as follows:

ON PROPOSITION ONE

Total ballots cast	2568
Total number of votes cast upon ratification of said proposed Charter Amendment	2264
In favor of the ratification of said proposed Charter Amendment	1466
Against the ratification of said proposed Charter Amendment	798

That at the said General Municipal Election held on the 8th day of April, 1957, as aforesaid, the said proposed Charter amendment was ratified by a majority of the qualified electors of said City voting thereon.

That the Charter amendment so ratified by the qualified electors of the City of Chico is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section VIII, Article XI of the Constitution of the State of California, and which is in words and figures as follows:

PROPOSITION ONE:

Section 1: That Section 94 of Article XI be amended by repealing and striking therefrom the following language:

Trees and shrubs

a. "provided, however, that in the case of sidewalk trees and shrubbery planting the property owner may have the option of selecting what species of trees or shrubs shall be planted;" and

b. "the consent of the owner or owners of the property fronting thereon and"

said section, as amended, to read as follows:

Parks and playgrounds

"Section 94: The commission shall have the full and exclusive power to govern, manage and direct all of the parks and playgrounds now owned by the City of Chico, and any and all which may hereafter be acquired; to lay out, regulate and improve the same; to employ and appoint such superintendents, clerks, surveyors and engineers, supervisors, laborers and other officers and assistants as the commission deems necessary for the management of said parks and playgrounds and its affairs. The said commission shall have power, not to exceed the power conferred on the City of Chico by any deed of gift of any park or playground, to do and perform everything necessary for the care and management and improvement of any park or playground that the said City of Chico

might do, conferring all of said powers on said commission, including the right to lease or let the whole or any portion of the city's parks or playgrounds under the terms and conditions of said gifts.

"The commission shall have full and exclusive charge of the propagation, purchasing, planting, replanting, pruning and care of the trees and shrubbery on the streets and along the sidewalks of the City; that they shall have power to appoint superintendents, employees and assistants in the performance of such work. They shall not have power, however, to remove any tree or trees, shrub or shrubs, unless such tree or trees, shrub or shrubs, shall be dead or dangerous to public traffic on the streets or along the sidewalks of the City without the approval of the Council of the City of Chico." Trees and shrubbery

We further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Chico with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact and correct copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of Chico to be affixed hereto this 16th day of April, 1957.

(SEAL)

THEODORE MERIAM
Mayor of the City of Chico
DEMING HOBART
Clerk of the City of Chico

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Chico, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as a part of, the charter of said City of Chico. Approval

CHAPTER 180

Senate Concurrent Resolution No. 46—Relative to artificial nucleation research by the Department of Water Resources.

[Filed with Secretary of State, April 29, 1957.]

WHEREAS, As so aptly phrased by Chas. Gardner, Jr., "there is a river in the sky—a complex, swirling, tumultuous river of air and water"; and

WHEREAS, The process of artificial nucleation—"scientific rainmaking"—furnishes a high hope of bringing down the waters from this river in the sky in such a manner as to alleviate the increasing water shortage of the State; and

WHEREAS, A state-wide, coordinated program of experiment and analysis is highly desirable if the fullest benefit is to be realized from this new field of scientific endeavor; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources be requested to direct and evaluate a five-year experimental program of artificial nucleation, acting under existing programs where possible, and conducting experiments in not less than three of the lower rainfall areas of the State; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Honorable Harvey O. Banks, Director of Water Resources.

CHAPTER 181

Senate Concurrent Resolution No. 52—Relative to the name of the Wilson Creek Bridge on State Highway Route 1.

[Filed with Secretary of State, April 29, 1957.]

WHEREAS, The Department of Public Works is constructing, or about to construct, a bridge across Wilson Creek on State Highway Route 1 in the County of Del Norte; and

WHEREAS, It has heretofore been the policy to name the bridges of this county after distinguished citizens or pioneers of the county; and

WHEREAS, Wilson Creek is located on the old Louis De Martin Sr. ranch; and

WHEREAS, The said Louis De Martin Sr. came to the County of Del Norte and settled upon said property in the year 1875, and was the father of 17 children in the county and upon said ranch; and

WHEREAS, The said Louis De Martin Sr. constructed the first bridge across Wilson Creek upon the highway which is now Route 1; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the bridge across Wilson Creek on State Highway Route 1, when completed, shall be known officially as "Louis De Martin Sr. Bridge," and the Department of Public Works is requested to place a suitable plaque on said bridge containing such name; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Frank B. Durkee, Director of Public Works.

CHAPTER 182

Senate Concurrent Resolution No. 58—Relative to the authorship of the Pledge of Allegiance to the Flag by Francis Bellamy.

[Filed with Secretary of State, April 29, 1957.]

WHEREAS, Although there has been some question as to the identity of the author of the Pledge of Allegiance to the Flag, evidence that the real author was Francis Bellamy is so overwhelming that 45 of the 48 states have enacted resolutions acknowledging him as the author; and

WHEREAS, It appears the Pledge of Allegiance first appeared in the Youths' Companion magazine in 1892, and Francis Bellamy was on the editorial staff of the magazine at the time, and that the policy of the Youths' Companion was to publish anonymously all the material written by its staff; and

WHEREAS, It was not until 1922 that the authorship of the Pledge was attributed to James P. Upham and that Francis Bellamy then made public the fact that he was the author; and

WHEREAS, There is positive evidence that Mr. Upham himself attributed the authorship to Mr. Bellamy; and

WHEREAS, Miss Margarette S. Miller has instituted an exhaustive program of search and study to establish the true authorship of the Pledge; and

WHEREAS, As a result of this program a tribunal of the country's three leading historians, Charles C. Tansill, W. Reed West and Bernard Mayo was formed; and

WHEREAS, After studying the facts, this tribunal has attributed the authorship to Francis Bellamy; and

WHEREAS, Miss Margarette S. Miller and Col. James A. Moss, President of the United States Flag Association, have turned from supporting the Upham claims to the claims of Francis Bellamy; and

WHEREAS, Harold Roberts, the only surviving member of the Youths' Companion staff of 1892, has attributed the authorship to Francis Bellamy; and

WHEREAS, Such standard references as the World Almanac, Encyclopedia Britannica, Information Please, and Bartlett's Familiar Quotations all attribute the authorship to Francis Bellamy; and

WHEREAS, In view of this evidence it is fitting and proper that California should join with the 45 other states in acknowledging Francis Bellamy as the author; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby joins the great majority of the other states in acknowledging Francis Bellamy as author of the Pledge of Allegiance to the Flag; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Miss Margarette S Miller of Portsmouth, Virginia, and to the United States Flag Association.

CHAPTER 183

Assembly Joint Resolution No. 29—Relative to the air raid warning system.

[Filed with Secretary of State, April 29, 1957.]

WHEREAS, On May 1, 1957, the Federal Civil Defense Administration will make effective the National Warning System (NAWAS); and

WHEREAS, Under this system the Continental Air Defense Command makes known to FCDA warning centers military conditions of "Air Defense Emergency" and "Air Defense Warning;" and

WHEREAS, FCDA Advisory Bulletin No. 211 indicates that FCDA does not intend to assume responsibility of deciding whether an air attack is "probable" or "imminent" and of directing the sounding of the appropriate "alert" or "take cover" signal ("yellow" or "red"), but intends to disseminate descriptive messages and impose the responsibility of determining the appropriate signal upon local authorities; and

WHEREAS, Such determination can be made better and more promptly at the federal level, and the proposed procedure will result in delay, lack of uniformity and confusion, and could mean that thousands of lives might be lost that would otherwise be saved; and

WHEREAS, A warning signal of "yellow" or "red," signifying "alert" or "take cover" can be disseminated more rapidly throughout the country than any descriptive message with its opportunity for being garbled every time it is repeated; now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the President of the United States and the Federal Civil Defense Administration are respectfully urged to withhold this proposed action until the problem can be further studied and given more consideration; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Federal Civil Defense Administrator, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of each State in the United States.

CHAPTER 184

Senate Concurrent Resolution No. 106—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the sixteenth day of April, 1957.

[Filed with Secretary of State, April 30, 1957.]

City of Oakland Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the vice mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND.

Certificate

We, the undersigned, Lester M. Grant, Vice-Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 35518 C.M.S. passed February 14, 1957, duly and regularly proposed and submitted to the qualified electors of said City, sixteen certain proposals designated as Propositions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 16th day of April, 1957. That said special election was duly and regularly called, authorized and pro-

vided for by said Council of said City of Oakland by said aforementioned Resolution No. 35518 C.M.S., and that by said resolution said special election was duly and regularly consolidated with the Nominating Municipal Election to be held in said City on said date. That said consolidated Special Municipal Election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in manner provided by law, after due notice given and published, with the said Nominating Municipal Election, on the 16th day of April, 1957, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune", the official newspaper of said City.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 1st day of March, 1957, in the "Oakland Tribune", a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California, and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune", a newspaper of general circulation published in said City, on the 6th day of March, 1957, and on each day thereafter to and including the 16th day of April, 1957, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposals to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Council of the City of Oakland, on the 19th day of April, 1957, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the 23rd day of April, 1957, duly canvassed the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the 23rd day of April, 1957, at its usual place of meeting, said Council by its Resolution No. 35728 C.M.S., duly found, determined and declared that each of the said proposed amendments to the Charter of the City of Oakland, designated as Propositions 1, 2, 3, 4, 5, 7, 8, 12, 13 and 15, was ratified by a majority of the qualified electors of said City voting thereon, and that each of said proposed amendments to said Charter designated as Propositions 6, 9, 10, 11, 14 and 16, received less than a majority of the votes of the qualified electors voting thereon, and was not ratified; that the proposed amendments to the Charter of the City of Oakland which were so ratified by a majority of the electors of said City, are in words and figures as follows:

Amend Section 6(1) of the Charter to read as follows:

GENERAL ELECTION REGULATIONS

Municipal election regulations

Sec. 6(1) The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, provided that the Council shall meet as a canvassing board and duly canvass the election returns within six days after any Municipal Election, unless such election has been consolidated and the canvassing of returns delegated pursuant to general law.

Add new Section 55a. to the Charter to read as follows:

Words and phrases

Sec. 55a. Wherever in this Article the words or phrases herein designated shall appear, they shall be changed to the substituted respective words or phrases herein set forth: "Board of Library Directors" shall read "Library and Museums Commission"; "Board" shall read "Commission"; "Director" either singular or plural shall read "Commissioner" singular or plural accordingly; "Library Director" shall read "Library and Museums Commissioner"; and "President" shall read "Chairman".

Whenever in this Charter the word "Board" is used with application to the Board of Library Directors, it shall be construed to refer to the Library and Museums Commission.

The provisions of this section are for the limited purpose of redesignating the aforesaid words and phrases, and shall in no manner affect the continuity of existing offices, tenures,

funds powers, existing agreements or other business of the department.

Add new Section 96(1.6) and new Section 104(1.6) to the Charter to read as follows:

Pension of department member widow

Sec. 96(1.6) The widow of a member of the Department who was retired for years of service under the provisions of Section 94 and who died prior to the effective date of Section 96(1.5) from causes other than injuries received in, or illness caused by, or arising out of, the performance of duty, provided such widow was married to the decedent at least one (1) year prior to his retirement and has remained unmarried since the date of his death, shall receive two-thirds of the decedent's pension. The widow of a member of the Department who died from causes other than injuries received in, or illness caused by, or arising out of, the performance of duty and whose death occurred prior to eligibility for membership in the retirement system created by Article XXVI, and who was not receiving a pension under this Article, but who was eligible for retirement for years of service under Section 94, shall receive two-thirds of the pension which would have been provided for him by said Section 94 if he had been retired for years of service at the time of death, provided she has remained unmarried since the date of his death. The pension(s) herein provided for shall commence on the first of the month next following the effective date of this section and shall be paid in equal monthly installments as long as such respective widow(s) shall live and remain unmarried.

This section shall not be construed to provide any payment to such widow for any period of time prior to the first day of the month next following the effective date hereof, except that benefits under this section shall be in addition to any benefits heretofore received by the widow under Section 96(2).

Same

Sec. 104(1.6) The widow of a member of the Department who was retired for years of service under the provisions of Section 102 and who died prior to the effective date of Section 104(1.5) from causes other than injuries received in, or illness caused by, or arising out of, the performance of duty, provided such widow was married to the decedent at least one (1) year prior to his retirement and has remained unmarried since the date of his death, shall receive two-thirds of the decedent's pension. The widow of a member of the Department who died from causes other than injuries received in, or illness caused by, or arising out of, the performance of duty and whose death occurred prior to eligibility for membership in the retirement system created by Article XXVI, and who was not receiving a pension under this Article, but who was eligible for retirement for years of service under Section 102, shall receive two-thirds of the pension which would have been provided for him by said Section 102 if he had been retired for years of service at the time of death, provided she has remained unmarried since the date of his death. The pension(s) herein provided for shall commence on the first of the month next following the effective

date of this section and shall be paid in equal monthly installments as long as such respective widow(s) shall live and remain unmarried.

This section shall not be construed to provide any payment to such widow for any period of time prior to the first day of the month next following the effective date hereof, except that benefits under this section shall be in addition to any benefits heretofore received by the widow under Section 104(2).

Amend Section 98 of the Charter to read as follows:

QUALIFICATIONS

Qualifications of members of fire department

Sec. 98. No person shall become a member of the Fire Department unless he shall be a citizen of the United States, of good reputation for honesty and sobriety. Every member of the Department shall be not less than twenty-one, nor more than thirty years of age at the time of his appointment and before his appointment must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.

Amend Section 116 of the Charter to read as follows:

ANNUAL APPROPRIATION ORDINANCES.

Appropriation ordinance

Sec. 116. The City Manager shall submit to the Council, at the time he submits the annual budget, the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year of the various departments, commissions and offices of the City and of the expenditures of any board required to be provided for from the annual tax levy. Such budget shall be prepared in such detail as to the aggregate sum, and the items thereof allowed to each department, office, board or commission as the Council may deem advisable. Such budget may also provide for an emergency fund in such amount as the Council may deem advisable, which fund shall not be allotted to any particular department, office, board or commission, except as hereinafter provided. Upon such submission of the proposed appropriation ordinance to the Council it shall be deemed to have been regularly introduced therein. The Council shall provide for public hearings on the budget and the proposed appropriation ordinance either before a committee of the Council or before the Council sitting as a committee of the whole Following the public hearing the proposed appropriation ordinance may be changed or amended and shall take the same course in the Council as other ordinances, but shall not be finally passed after the third Monday of August. Upon its introduction the appropriation ordinance shall be forthwith published in the manner provided for the publication of other ordinances. The total amount of appropriations shall not exceed the estimated revenues of the City.

Amend Section 133 of the Charter to read as follows:

CONTRACTS FOR LIGHTING.

Contracts for lighting streets, etc

Sec. 133. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than five years, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the City be valid.

Amend Section 30(3) of the Charter to read as follows:

THE TREASURER AND EX-OFFICIO TAX COLLECTOR.

Treasurer as tax collector

Sec. 30(3) The Treasurer shall be ex-officio Tax Collector. As Tax Collector he shall perform the duties in this Charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the City, and all other moneys provided to be paid into the treasury by this Charter, and shall keep an account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this Charter.

The Treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the Auditor, stating the amount of the same, to what fund applicable and by whom to be paid.

For all moneys received, the Treasurer shall give a duplicate receipt, one of which shall be countersigned by the Auditor before delivery to the party making payment, and the other shall be delivered to and retained by the Auditor.

The Treasurer shall not pay out any money belonging to the City except upon claims presented, allowed and audited in the manner provided by this Charter.

The Treasurer shall make monthly statements to the Council of the receipts and expenditures of the preceding month.

At no time shall the weekly balance in the vaults of the treasury exceed the sum of Fifty Thousand Dollars ($50,000 00); provided, that applications are on file with the Treasurer from a bank or banks in the City of Oakland for the deposit of City money in accordance with the laws of the State

The Treasurer shall perform such other duties as may be designated by ordinance or the provisions of this Charter.

Add Section 232a. to the Charter to read as follows:

"Executive director"

Sec. 232a. Wherever in this Charter the title "Port Manager" appears it shall be changed to the substituted title "Executive Director".

This section has the limited purpose of redesignating the aforesaid title and shall not in any manner affect the continuity of the existing office, tenure, power or business of the Port Department.

Amend Section 213 of the Charter to read as follows:

BUILDING PERMITS

Permit to construct in port area, etc.

Sec. 213. No person or persons shall construct, extend, alter, improve, erect, remodel or repair any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the "Port Area" without first applying for and securing from the Board a permit so to do, in accordance with the rules and regulations adopted by it. In approving or denying the right to said permit, the Board shall consider the application therefor, the character, nature and size and location of the proposed improvement, and exercise a reasonable and sound discretion in the premises.

Provided, however, that applications for building permits pertaining to privately owned property within the "Port Area" shall be made to the Port Manager who shall consider and act upon them in the same manner as applications for such permits made to the Board. Any person excepting to any denial, suspension or revocation of a permit applied for or held by him pursuant to the provisions of this section, or any person excepting to the granting of, or to the refusal to suspend or revoke a permit applied for or held under the provisions of this section, may appeal to the Board by filing with the Secretary a written notice of such appeal setting forth the specific grounds thereof Such notice must be filed within 14 days after notice of such denial, suspension, revocation or granting, or refusal to suspend, revoke or grant, such permit, constituting the basis of such appeal, but in no event later than 30 days after the date of the denial, suspension, revocation or granting of the permit. The Secretary shall forthwith set said matter for hearing before the Board and cause notice thereof to be given (1) to the appellant, and (2) to the adverse party or parties, or to the attorney, spokesman or representative thereof, not less than 5 days prior to such hearing. At such hearing the appellant shall show cause, on the grounds specified in the notice of appeal, why the action excepted to should not be approved. The Board may continue such hearing from time to time, and its findings and conclusions on the appeal shall be final and conclusive in the matter.

Such permit issued by the Board or the Port Manager shall be in addition to any permit which may be required by law from the Building Inspector of the City of Oakland.

Amend Section 126 of the Charter to read as follows:

REQUIREMENTS FOR BIDS.

Requirements for bids

Sec. 126. All proposals shall be made upon printed forms to be prepared by the City and furnished gratuitously upon application, with a form for the affidavit, hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive or made in the interest or in behalf of any person not

therein named and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bid made without such affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall be invalid.

All proposals offered shall be accompanied by a check certified by a responsible bank, or a cashier's check of such bank, payable to the order of the City Clerk, for an amount not less than 10 per cent of the aggregate of the proposal, or by a surety bond of a lawfully authorized surety company for an amount not less than 10 per cent of the aggregate of the proposal, payable to the City on condition the bidder fails or refuses to enter into the contract after acceptance of his bid; and no proposal shall be considered unless accompanied by such check or bond, as the case may be.

No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same work. If it appears that the same person, firm or corporation is interested in more than one bid, all such bids shall be rejected.

Prior to the hour specified in the notice inviting sealed proposals, all bids shall be delivered to the City Clerk, or Secretary of the Board as the case may be. Any bid not so delivered shall not be considered. Each bid as it is received and opened by the Council, or Board as the case may be, shall be numbered and marked "Filed" by the President and authenticated by his signature. At the hour stated in the advertisement, or as soon thereafter as the Council or Board as the case may be, shall convene, it shall, in open session, open, examine and publicly declare all bids received, and an abstract of each bid shall be recorded in the minutes of the Council, or Board as the case may be, by the City Clerk or the Secretary of such Board. Before adjourning, or at any time, not exceeding twenty days, thereafter, the Council or Board, as the case may be, shall award the contract to the lowest responsible bidder, except as otherwise in this Charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the City Clerk, or the Secretary of such Board, on a bulletin board at or near the Council Chamber door of the Council.

The Council, or Board, as the case may be, may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the City, and all bids other than the lowest regular bid; and on accepting such lowest bid, shall thereupon return to the proper parties the checks or bid bonds corresponding to the bids so rejected. If all the bids are rejected, the Council, or Board, as the case may be, shall return all the checks and bid bonds

to the proper parties and may again invite sealed proposals as in the first instance.

The check or bid bond accompanying the accepted bid shall be held by the City Clerk until the contract, as hereinafter provided, has been entered into, and the performance bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said check or bid bond shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract, as hereinafter provided, then the check or bid bond accompanying his bid, and the amount therein mentioned, shall be forfeited to the City, and shall be collected and paid into the General Fund. Neither the City Council nor any Board shall have the power to relieve from or remit such forfeiture.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 23rd day of April, 1957.

(SEAL)

LESTER M. GRANT
Vice-Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Oakland.

CHAPTER 185

Senate Concurrent Resolution No. 100—Relating to the observance of National Secretaries' Week.

[Filed with Secretary of State, April 30, 1957.]

WHEREAS, The American secretary plays a vital role in the function of business, industry, government, and education; and

WHEREAS, The American secretary is resolved to further the interests of whatever business she follows; and

WHEREAS, The American secretary is resolved to exemplify loyalty, dependability, trustworthiness, integrity, character, good judgment, honesty, fortitude, courtesy, patience, a cooperative attitude, neatness, diplomacy, tact, finesse, modesty, interest, initiative, intelligence, resourcefulness, intuition, understanding and clairvoyance; and

WHEREAS, The American secretary, in establishing herself on a path of improvement in every phase of secretarial work, has made a valuable contribution to management; and

WHEREAS, The last full week in April is set aside each year by the Secretary of Commerce to honor all American secretaries; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby proclaims the week of April 21st to April 27th to be National Secretaries' Week and April 24th to be Secretaries' Day, throughout the State of California and commends it to the attention of business and the secretary alike to pay tribute to the "First Lady of American Business" by honoring all secretaries for their services to the community and to the State; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to the President of the Division, National Secretaries Association (International), Mrs. Marie Bishop, and to the President of the Sacramento Chapter, National Secretaries Association (International), Mrs. Ester Perry.

CHAPTER 186

Senate Joint Resolution No. 26—Memorializing Congress to provide for the construction of a highway from Winnemucca, Nevada, to Viewland, California.

[Filed with Secretary of State, May 3, 1957.]

WHEREAS, The State of California, civil defense agencies and United States military authorities need an adequate highway system leading easterly from the central and northern portions of the State; and

WHEREAS, The construction of a highway from the vicinity of Viewland, Lassen County, California, on U. S. Highway 395 to a point on U. S. Highway 40 near Winnemucca, Nevada, would alleviate this situation; and

WHEREAS, State Highway 36 is open the year around and is one of the lowest and most accessible passes over the Sierra Nevada mountains; and

WHEREAS, In the event of a national emergency, the present highway system would be inadequate for transportation to and from the State of California, and a serious problem would

confront the inhabitants of Northern and Central California as well as military and civil defense authorities; and

WHEREAS, The Sierra Ordnance Depot at Herlong, Lassen County, California, is a vital military installation, and most of the supplies shipped to such depot from the eastern part of the United States are transported through Salt Lake City, Utah; and

WHEREAS, The construction of this proposed highway would shorten the route into the Sierra Ordnance Depot from Salt Lake City thereby effecting a substantial savings in the money spent for transporting supplies, and also lessen the highway mileage between Salt Lake City and Northern California and Southern Oregon; and

WHEREAS, The development of Northern Nevada, Northern California, Southern and Western Oregon as a tourist and recreation area, would be enhanced by the construction of this proposed highway, by facilitating travel over U. S. Highway 395, U. S. Highway 299, State Highways 32, 36, 89, and 44, Joint Highway 14 and F H. 92; and

WHEREAS, Headquarters, Sixth Army, Presidio of San Francisco, California, and Nevada and California civil defense agencies are on record as favoring the construction of this proposed highway; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States of America enact legislation and appropriate funds for the construction of a federal highway from Winnemucca, Humboldt County, Nevada, to Viewland, Lassen County, California, via Gerlach and Empire, Nevada; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 187

Senate Concurrent Resolution No. 68—Relative to the establishment of a specially designed industrial plant for the physically handicapped.

[Filed with Secretary of State, May 3, 1957.]

WHEREAS, In an era when our worker pool is growing smaller in ratio to the demands upon it, it is unfortunate that the abilities and skills of many thousands of handicapped persons are not now being utilized; and

WHEREAS, Time and again handicapped workers have proven their worth in many lines of industry and manufacturing, and have been found to do their work as well as or better than able-bodied workers, to have a much lower rate

of turnover, to have fewer lost-time accidents, and to have a very low absenteeism record; and

WHEREAS, A large pool of adequately trained physically handicapped workers would be a tremendous asset and a potent industrial force with which to meet national emergencies and disasters of any kind; and

WHEREAS, To utilize this undeveloped source of manpower, it is essential that a means be found to train handicapped persons; to provide facilities by which they may apply their skills in a constructive manner; and to open up new avenues through which such persons may earn a dignified living to the benefit of the American economy; and

WHEREAS, A plan now under development by a special committee, is calculated to bring to a realization the goals described above; and

WHEREAS, This plan is based on the cooperative effort of various industries in the formation of a nonprofit corporation, which would construct a specially designed plant to house and train physically handicapped persons who could handle many types of industrial employment; and

WHEREAS, The construction and maintenance of the plant would be financed by long-term loans from these same industries, which in return would become lessors of footage in the plant; and

WHEREAS, After a period of time the loans would be repaid out of returns from output, and surplus funds thereafter accumulated would be used for further work and development of the organization; and

WHEREAS, Members of the committee engaged in the development of this outstanding plan are: Randolph Hearst of Hearst Publications; Gilbert W. Lindsay, deputy to Mr. Kenneth Hahn, Supervisor of Los Angeles County; Sanford Sill, attorney-at-law; Robert Doyle, representing the physically handicapped; Donald Davis, architect; Thomas A. Foster, of Stationers Corporation, representing the stationery and office equipment industry; Murray Stravers, coordinator; Robert B. Sill, banker; and Marshall S. Johnson, originator and developer of the plan; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members of the Legislature of this State take this means to extend recognition to the need for providing adequate facilities for the training of physically handicapped persons so that American industry may make full use of the skills and productive power of such persons, and further to urge industrialists, financiers, and other interested persons to acquaint themselves with and support the plan described in this resolution and other similar plans including the local Goodwill Industries.

CHAPTER 188

Assembly Constitutional Amendment No. 72—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to Members of the Legislature.

[Filed with Secretary of State, May 3, 1957.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1957 Regular Session commencing on the seventh day of January, 1957, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 19 of Article IV thereof, to read:

SEC. 19. No Senator or Member of Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State, except the office of notary public; provided, that this provision shall not apply to any office filled by election by the people.

CHAPTER 189

Assembly Concurrent Resolution No. 142—Relating to the seventy-fifth anniversary of the establishment of the first community of the Sisters of Saint Joseph of Carondelet in the San Diego area.

[Filed with Secretary of State, May 6, 1957.]

WHEREAS, April 18, 1957, will mark the seventy-fifth anniversary of the establishment of the first community of the Sisters of Saint Joseph of Carondelet in San Diego; and

WHEREAS, During the seventy-five years in which this benevolent order has been active in Southern California it has constituted immeasurably to the well-being of the area and the welfare of people; and

WHEREAS, The arrival of the first four sisters of the order in San Diego occurred on April 18, 1882, and was followed by the establishment of their first day school on May 10th of that year; and

WHEREAS, The industry and inspired interest of the sisters in the welfare of mankind of whatever race, status in life, or degree of civilization quickly caused their activities to spread throughout Southern California and into the State of Arizona where they assisted in the conduct of missions among the Indian tribes, and established Mt. St. Joseph's Novitiate in Tucson; and

WHEREAS, The dedication of the sisters to the work of Almighty God overcame the severe hardships, privations, and actual poverty which was so much a part of their lives on the frontier in those early days, including the lack of adequate shelter for themselves, the almost complete absence of means of transportation over the uncharted countryside and across the frequently flooded rivers, the personal danger presented by hostile Indians, and the woefully inadequate funds, housing, and facilities available for the operation of their schools and missions; and

WHEREAS, From these original humble beginnings there emerged numerous schools, academies, and colleges throughout Southern California, including Mount Saint Mary's College, the Academy of Our Lady of Peace, Saint John's School, Saint Joseph's Grammar School, Cathedral Girls' High School, Saint Patrick's School, Saint Brigid's, Pacific Beach, Regina Coed. Academy, Saint James School, Del Mar, and Precious Blood, all of which comprise a major part of the educational system in the southern area of the State, are conducted in the same spirit of charity, faith, and devotion to the teachings of the Great Redeemer which characterized the work of the pioneer sisters of the order who came to San Diego 75 years ago; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Sisters of the Saint Joseph of Carondelet be congratulated and commended for the 75 years of work which the order has performed in California, and for the immeasurable contribution to the welfare of the State and its citizens which has resulted therefrom; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare suitable copies of this resolution to be sent to the Superior General of the Sisters of Saint Joseph of Carondelet in the State of California.

CHAPTER 190

Assembly Concurrent Resolution No. 156—Memorializing San Jose State College on its 100th anniversary

[Filed with Secretary of State, May 6, 1957.]

WHEREAS, This year marks the 100th anniversary of San Jose State College, the first institution of higher education established by the State of California, and

WHEREAS, San Jose State College had its beginning with the act of the Legislature in 1862 creating the California State Normal School, providing for a board of trustees, and authorizing the board to take over Minn's Evening Normal School which had been established by the San Francisco Board of Education in 1857; and

WHEREAS, This institution which opened its doors to six students in 1862 now has an annual enrollment of over 9,000; and

WHEREAS, In the century of its existence it has produced countless leaders of community, State, and Nation, as well as thousands of teachers who went forth from its halls to pass their knowledge on to new generations of students; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature congratulate San Jose State College and its faculty, administrators, students, and alumni, upon the occasion of its 100th anniversary, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and forward a suitable copy of this resolution to President John F. Wahlquist.

CHAPTER 191

Assembly Concurrent Resolution No. 162—Relative to the passing of the Honorable Thomas J. Doyle.

[Filed with Secretary of State, May 7, 1957]

WHEREAS, The Members of the California Legislature have been deeply grieved to learn that on Sunday, May 5, 1957, the Honorable Thomas J. Doyle, Member of the Assembly from the Forty-fifth District in Los Angeles County, passed from this life; and

WHEREAS, The Honorable Thomas J. Doyle has ably served his district and the people of the State of California by devoting over 18 years of his life to dedicated service as a Member of the California Legislature, in addition to his many other achievements, and it is fitting and proper that the California Legislature take this means of commemorating his achievements; and

WHEREAS, Thomas J. Doyle was a native son, being born in Oakland, entered into railroading where he served as a fireman, brakeman, and conductor, and during his school years at Lodi also was employed as a jockey in many races, and after moving to Los Angeles he played baseball for the Los Angeles club; and

WHEREAS, He resigned from his railroading career to join his brother Jack in cattle, oil, mining, and sports promoting, and in connection with his brother Jack, he did much to develop professional boxing in the State, by establishing the famed Doyle's Arena in Vernon, California, and by promoting many of the great championship bouts held in this State; and

WHEREAS, Thomas J. Doyle began his long and distinguished service as a legislator by his election to the Assembly in 1938, and has been re-elected at each subsequent election; and

WHEREAS, Of all the many measures which he has authored, his favorite was the motion to have the Assembly give a weekly Pledge of Allegiance to the Flag, which custom has been adopted by many other legislative bodies; and

WHEREAS, Thomas J. Doyle, in addition to his service to the public was a man of varied interests and activities, a lover of the outdoors, and devoted to hunting and fishing; and

WHEREAS, Thomas J. Doyle was a devoted husband and father, and a friend to people in all walks of life, being always ready to defend and help those in need of assistance; and

WHEREAS, Thomas J. Doyle gave generously of his time to many civic and social activities, being an active member of the Veterans of Foreign Wars, the Elks, Knights of Pythias, Kiwanis, Degree of Honor, and Association of Professional Ball Players; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature deeply mourn the untimely passing of this outstanding public servant who devoted much of his life to the service of his friends, his State, and to his Country; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to present suitably prepared copies of this resolution to Laura M. Doyle, his widow, and to his sons.

CHAPTER 192

Senate Concurrent Resolution No. 103—Relative to Clay Carr, international all-around champion cowboy.

[Filed with Secretary of State, May 7, 1957]

WHEREAS, Clay Carr of Visalia was born on April 18, 1909, on the Charlie Hart ranch south of Farmersville, where he learned to ride almost as soon as he could walk, and attended the Deep Creek Elementary School and Visalia High School, and while still in his teens began work as a cowboy on the Magill ranch near Exeter practicing the skills which were to make him three times international all-around champion cowboy; and

WHEREAS, The Members of this Legislature have learned with profound regret that on April 17, 1957, the eve of the forty-eighth anniversary of his birth, death came to Clay Carr when the gallant heart which had three times carried him to the international championship of grueling rodeo competition ceased to beat; and

WHEREAS, When only 16 years old, Clay Carr began his career as a rodeo contestant in Monte Vista, Colorado, going on to become an all-around rodeo performer, excelling in all phases of rodeo activities—saddle and bareback riding, bulldogging, calf roping and team roping—winning at the age of 19 his first world title of international all-around cowboy in Madison Square Garden in 1930, a feat he repeated in 1932

and 1933, in addition to winning many other famous trophies, such as the Joe Moore trophy won in Salinas in 1936 and the Sam Jackson trophy won in Pendleton, Oregon, in 1940; and

WHEREAS, Following his winning of the international title Clay Carr toured Australia and appeared in Canada and England, including a performance before the King and Queen of England, tutored other riders who became top champions, and during World War II served with the Marine Corps; and

WHEREAS, Through all the honors and distinctions which came to him, Clay Carr remained ever modest and unassuming, devoted to his family and his community, and to rodeo competition which he loved and followed until a heart attack forced him gradually to withdraw from competition, though he still continued in an official capacity; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature express their profound regret upon the untimely passing of Clay Carr, and extend to the members of his family their deepest sympathy in the loss of their famous and beloved husband, son, and brother; and be it further

Resolved, That the Secretary of the Senate send suitably prepared copies of this resolution to Mrs. Eleanora Carr, widow of Clay Carr, and to his mother, Mrs. Katie Carr; and be it further

Resolved, That when this Legislature this day adjourns it do so out of respect to the memory of Clay Carr.

CHAPTER 193

Assembly Concurrent Resolution No. 161—Approving an amendment to the charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the ninth day of April, 1957.

[Filed with Secretary of State, May 8, 1957.]

City of Redondo Beach Charter amendment

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of an amendment, set forth in certificate of the mayor and city clerk of said city, to the charter of the City of Redondo Beach, a municipal corporation situated in the County of Los Angeles, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF REDONDO BEACH

Certificate

We, the undersigned, J. Russell Shea, Mayor of the City of Redondo Beach, State of California, and Fred M. Arnold, City Clerk of said city, do hereby certify and declare as follows:

The City of Redondo Beach, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a city of the State of California, existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of less than fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a general election; to wit, a General Municipal Election, held within said city on the 9th day of April, 1957, a certain proposed amendment to the city Charter of said city.

Said proposed amendment was published in The South Bay Daily Breeze, being a newspaper of general circulation printed and published in said city and having a general circulation therein, and being the official newspaper of said city, on the 25th day of February, 1957, and in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said election was duly and regularly held on the said 9th day of April, 1957, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendment, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment to said city Charter.

Said proposed amendment was duly and regularly submitted to and duly ratified by, the said qualified voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with.

Said amendment is as follows:

Article XXV, Sections 25, 25.1, 25.2 and 25.3 are added to read as follows:

"Article XXV

Harbor Construction and Improvement.

Harbor Improvement Fund

Section 25. Harbor Improvement Fund. There shall be in the treasury of the City a separate fund to be designated as the "Harbor Improvement Fund" and there shall be within said fund two accounts, one designated as the "Harbor Revenue Account" and the other designated as the "Oil Revenue Account," and under said accounts there may be such subaccounts as may be necessary or convenient. From time to time as the same are received by the City the following moneys shall be placed in said fund and credited to the following accounts, to wit:

(a) To the Harbor Revenue Account, all gross receipts, including fees, tolls, rentals, charges and other revenues, received by the City from or in connection with the operation

of any harbor facilities owned, controlled or operated by the City.

(b) To the Oil Revenue Account, all net revenues received by the City from or in connection with the production or sale of oil, gas and other hydrocarbon substances derived from tide or submerged lands owned or controlled by the City. As used in this subparagraph, "net revenues" means gross revenues less the necessary and reasonable costs to the City of such production and sale.

Fund uses

Section 25.1. Fund Uses. Moneys in the Harbor Improvement Fund shall be used only for the following purposes in the following order of priority, to wit:

(a) For the current, necessary and reasonable costs and expenses to the City of operating and maintaining harbor facilities owned, controlled or operated by the City, but without allowance for depreciation or obsolescence or additions, extensions or other capital improvements. Such costs and expenses shall be paid, first from the Harbor Revenue Account to the extent there are at that time available moneys therein, and any remainder from the Oil Revenue Account.

(b) For the payment as the same fall due of the principal of and interest on any bonds of the City, including general obligation bonds, issued for the acquisition, construction, extension or improvement of harbor facilities. Such payments shall be made, first from the Oil Revenue Account to the extent there are at that time available moneys therein, and any remainder from the Harbor Revenue Account.

(c) Any balance which remains from time to time in the Harbor Improvement Fund and the several accounts therein after paying or providing for all then incurred costs and expenses under (a) above, and after paying or providing for all payments under (b) above which are due or which will become due during the next ensuing twelve months period, may be used for the purpose of acquiring, constructing, extending or improving harbor facilities (including deposits into reserve or depreciation funds or accounts established for that purpose) and any part of such balance not then needed for such purposes may be used for any lawful purpose.

"Harbor facilities"

Section 25.2. Definition of Harbor Facilities. As used in this article the term "harbor facilities" includes harbors, bulkheads, breakwaters, wharves, docks, piers, quays, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation and for the protection of lands within the City, and also includes vehicle parking facilities serving harbor facilities or any portion thereof.

Section 25.3. Provisions Not a Covenant. Nothing in this article shall be deemed to be a covenant in favor of any holder of any general obligation bond of the city."

We have compared the said ratified amendment with the original proposed amendment submitted to the qualified elec-

tors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said Charter, and each of them, are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Redondo Beach to be attached on this 16th day of April, 1957.

J. RUSSELL SHEA
(SEAL) Mayor of the City of Redondo Beach, California

Attest:
FRED M. ARNOLD
City Clerk of the City of
Redondo Beach, California

and

WHEREAS, Said amendment to the charter of the City of Redondo Beach so ratified as set forth in said certificate has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Redondo Beach as proposed to and adopted and ratified by the electors of said city and fully set forth in said certificate, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment and as part of the said charter of the City of Redondo Beach.

CHAPTER 194

Assembly Joint Resolution No. 2—Relative to hunting and fishing on military reservations in California.

[Filed with Secretary of State, May 10, 1957.]

WHEREAS, The fish and game of the State of California are the property of the people of the State; and

WHEREAS, The people of the State of California through their Legislature have passed laws for the protection, preservation, and propagation of the fish and game of this State, which laws must be observed by all persons who take fish or game within the jurisdiction of the State of California; and

WHEREAS, On certain federal military reservations in this State the laws of California relating to fish and game are not

being observed especially by the resident military personnel; and

WHEREAS, The millions of dollars expended by the State of California for the protection and propagation of fish and game has been expended to increase and preserve all fish and game in the State including that which is on such federal military reservations; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide that the laws of the State of California relating to fish and game shall be observed in all federal military reservations within the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 195

Assembly Joint Resolution No. 23—Relative to memorializing Congress concerning establishment in California of a soil and water conservation laboratory.

[Filed with Secretary of State, May 10, 1957]

WHEREAS, A bill has been introduced in the Senate of the United States by Senator Thye, designated S. 575, to provide for the establishment by the Secretary of Agriculture of four soil and water conservation laboratories, one to be located in the western irrigated area of the United States; and

WHEREAS, There is a great interest throughout California's extensive agricultural community in research into problems relating to soil and water management and conservation; and

WHEREAS, An excellent location for such a conservation laboratory exists at the Davis Campus of the University of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress to enact S. 575; and be it further

Resolved, That the Legislature of the State of California wishes to express its intent to the Congress and to the Secretary of Agriculture that it shall provide necessary land at or near the Davis Campus of the University of California upon which a conservation laboratory may be established and maintained; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President

of the United States, to the President of the Senate in the Congress of the United States, to the Speaker of the House of Representatives in the Congress of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Agriculture.

CHAPTER 196

Assembly Concurrent Resolution No. 57—Relative to designating a portion of State Route 23 (U S. Highway No. 6) as the "Antelope Valley Freeway."

[Filed with Secretary of State, May 10, 1957]

WHEREAS, It is the policy of this State to identify its principal freeways by the terminal areas of such freeways; and

WHEREAS, The Division of Highways of the Department of Public Works has formally designated that portion of State Highway Route 23 (U. S. Highway No 6) beginning at State Highway Route 4 (U. S. Highway No. 99) and extending to Solemint Junction as a state freeway and has recommended, and the State Highway Commission has approved, a proposed freeway extending through Antelope Valley, beginning at one and one-quarter miles north of Vincent, California, and extending to Avenue D, north of Lancaster, California; and

WHEREAS, These actions indicate that ultimately State Highway Route 23 will become a major freeway through the Antelope Valley; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 23 from State Highway Route 4 to Avenue D, north of Lancaster, California, be officially designated and named the "Antelope Valley Freeway"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Public Works and the Civic Groups Consolidated of Palmdale, California.

CHAPTER 197

Assembly Concurrent Resolution No. 66—Relative to the George Leatherwood Memorial Bridge.

[Filed with Secretary of State, May 10, 1957]

WHEREAS, The Members of this Assembly were saddened to learn of the tragic death of George M. Leatherwood on July 30, 1956, in a helicopter crash on U. S. Highway 299, 10 miles east of Blue Lake; and

WHEREAS, George M. Leatherwood was born in Prescott, Arizona, August 9, 1904, and started his engineering career

in 1922 with the Los Angeles County Road Department, serving with that organization until 1936; and

WHEREAS, In 1936 he started his career with the Division of Highways, State of California, as Resident Engineer on highway projects in District III in Marysville; and from 1937 to 1942, George worked with the Location Department of District VII in Los Angeles, leaving there to serve as civilian assistant to the Chief Engineer, U. S. Corps of Engineers, U. S. Army, in Nicaragua, San Salvador, and Guatemala; and

WHEREAS, In 1943 he returned to District VII as Chief of Surveys, in which position he served until 1950 when he transferred to District V at San Luis Obispo where he served as assistant design engineer; and

WHEREAS, In 1951 George moved to Eureka to become Locating Engineer for District I, and he was later assigned to the position of Advance Planning Engineer where he was doing an exceptional job; and

WHEREAS, Probably his major accomplishment was the outstanding work done in connection with the location of the proposed full freeway through the Southern Humboldt County Redwood Groves, the ideas which he developed in planning the location through the redwoods resolving a controversy of long standing, and this freeway when built will stand as a monument to George's engineering ability; and

WHEREAS, George was vitally interested in flying, having built and flown sailplanes in the early 1930s; he received his private pilot's license in 1933, which he kept valid until he left for Central America in 1943; and

WHEREAS, He was a staunch believer in the use of aerial surveys, and, ironically, the use of a helicopter for aerial reconnaissance of the primitive areas of Northwestern California led to his untimely passing; and

WHEREAS, Mr. Leatherwood was a member of the American Association of Professional Engineers and of the American Congress of Surveying and Mapping; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the bridge to be constructed across the South Fork of the Eel River near Dyerville on the portion of Route 1 bypassing the Redwood Groves in Humboldt County shall, when completed, be known officially as the "George Leatherwood Memorial Bridge" and the Department of Public Works is requested to place a suitable plaque on said bridge containing such name; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Frank B. Durkee, Director of Public Works.

CHAPTER 198

Assembly Concurrent Resolution No. 130—Relative to the death of Evan T. Hewes.

[Filed with Secretary of State, May 10, 1957.]

WHEREAS, The Legislature of the State of California wishes to express the deep and heartfelt grief of its members caused by the unexpected death on March 13, 1957, of Evan T. Hewes; and

WHEREAS, His untimely passing has deprived the State of California of a stalwart champion of its all-important water rights; and

WHEREAS, At the time of his death, Mr. Hewes, among other things, was President of the Board of Directors and Executive Superintendent of the Imperial Irrigation District, a member and past chairman of the Colorado River Board of California, a past president and life member of the Executive Committee of the Irrigation Districts' Association of California, a member of the Governor's Committee of the California State-wide Water Plan, and Chairman of the Imperial Dam Advisory Board; and

WHEREAS, Mr. Hewes had devoted more than 24 years of his life to serving these and other public agencies with no thought of reward or personal gain and had recently begun his seventh consecutive four-year term as a director on the board of directors of the Imperial Irrigation District; and

WHEREAS, The people of the Imperial Valley and of the State have suffered the loss of a wise and able counselor and defender, whose achievements, ability and integrity had earned for him the universal respect of leaders in all walks of life, including the Federal Government, the State Government and his own Imperial Irrigation District; and

WHEREAS, Evan T. Hewes was a pillar of strength whose courage, ability and integrity made him an executive of the highest rank; always he was able to extend needed help and guidance without patronage and to give firm leadership without pretense; and

WHEREAS, With his passing, the people have lost a dedicated and loyal friend and public servant whose accomplishments constituted a major contribution to protecting and advancing the vital water rights of the State of California and whose unselfish deeds will forever be a monument to his memory; and

WHEREAS, The achievements of Mr. Hewes, in his almost a quarter of a century of service devoted to the people he served so well and efficiently, constitute his eulogy—his requiem is inscribed upon our hearts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature by this resolution pay tribute to the memory of a great

Californian, Evan T. Hewes, one of the pioneers in water development in this State, who to the time of his death devoted his life to the welfare of the people of the Imperial Valley and the State, and devoutly pray that Almighty God, in His infinite wisdom and mercy, may sustain his widow, his family and his friends in this irreparable loss which they have suffered: and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to Vera Hewes, the widow of Evan T. Hewes, and to his brother and two sisters and seven (7) additional copies to be presented to the several offices of the Imperial Irrigation District in the cities of Imperial County.

CHAPTER 199

Assembly Concurrent Resolution No. 141—Relative to commending James J. Washington, Jr., for bravery.

[Filed with Secretary of State, May 10, 1957.]

WHEREAS, It has come to the attention of the Members of the Legislature that Officer James J. Washington, Jr., of the San Diego Police Force by his quick action and bravery in saving the life of the driver of a truck involved in an accident has demonstrated courage far above that of ordinary man; and

WHEREAS, Officer Washington pulled the trapped victim of the accident from the flaming wreckage and extinguished the victim's burning clothing while the officer's own shoes were ablaze from the gasoline fed fire; and

WHEREAS, Officer James J. Washington, Jr., has been awarded the Carnegie Medal for heroism; and

WHEREAS, He is being awarded the San Diego Race Relations Society's first annual Colonel Ed Fletcher Memorial Award for distinguished and meritorious service to the community. The award which was created in honor of Colonel Fletcher, the late Senator and Member of this Legislature who was the author of the 1936 California Race Relations Law; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature do hereby commend Officer James J. Washington, Jr., for his demonstration of outstanding courage and bravery, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. James J. Washington, Jr., of 353 S. 33d St., San Diego, California.

CHAPTER 200

Senate Concurrent Resolution No. 111—Relative to congratulating Jack Welter of the San Francisco Examiner.

[Filed with Secretary of State, May 13, 1957]

WHEREAS, Jack Welter, Capitol correspondent for the San Francisco Examiner, has, during this 1957 Regular Session of the California Legislature, embarked upon his third decade as a reporter, analyst, and commentator upon legislative affairs; and

WHEREAS, The distinguished career of this newspaperman began during his student days at Manual Arts High School in Los Angeles where he edited the Manual Arts Weekly and was the campus correspondent for the Los Angeles Express, and was continued during his attendance at Fresno State College, where he served as sports editor and associate editor of the Fresno State College Collegian, and, during the same time, was employed as the San Joaquin Valley correspondent for the Los Angeles Examiner, Los Angeles Times, Pacific Coast News Service, International News Service, and United Press; and

WHEREAS, After editing the weekly Dos Palos Star, he joined the staff of the United Press, representing that organization in Fresno, San Francisco, and, as bureau manager, in Salt Lake City and Sacramento, assuming the latter post during the February recess of the 1937 Regular Session, and commencing thereby the long period of service to his profession and the public which this resolution is to commemorate; and

WHEREAS, He has ably covered the Capitol scene for the San Francisco Examiner since April, 1938; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of California wishes to express its congratulations to and declare its high esteem for Jack Welter, and hopes that his second 20 years of service in Sacramento will be as filled with achievement as his first 20 years; and be it further

Resolved, That the Secretary of the Senate transmit to Jack Welter a suitably prepared copy of this resolution.

CHAPTER 201

Assembly Joint Resolution No. 27—Relative to the statehood of the Territories of Alaska and Hawaii.

[Filed with Secretary of State, May 13, 1957]

WHEREAS, The United States of America has become the greatest power in the history of mankind because it is a united Nation of equal and sovereign states and not an empire; and

WHEREAS, The people of the United States devised a method and program of incorporating territories, which method, as a first step leading to the full privileges of statehood, imposes on the people of such territories the obligations of the citizens of the several states, while withholding from such territorial citizens, however, the basic rights of self-government and full representation in the councils of the United States; and

WHEREAS, Alaska and Hawaii have been incorporated as territories of the United States for many years, and by the very act of such incorporation as United States Territories have been promised the full privileges of statehood with first-class citizenship for the peoples of Alaska and Hawaii; and

WHEREAS, Both political parties have recognized that every consideration of fairness demands that the people of these territories be given the full privileges of American citizenship in their platforms and other policy declarations; and

WHEREAS, The granting of statehood to these territories will strengthen the United States immeasurably in human resources and in its foreign relations particularly as regards the great Pacific Basin area; and

WHEREAS, We in the West have a particular interest in and close ties with the people of Alaska and Hawaii; now, therefore, be it

Resolved by the Assembly and Senate, of the State of California, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to take the steps necessary for the admission of the Territories of Alaska and Hawaii into the full status of statehood in the United States of America; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 202

Assembly Concurrent Resolution No. 22—Relative to approving a calendar of topics for study by the California Law Revision Commission.

[Filed with Secretary of State, May 13, 1957.]

WHEREAS, Section 10335 of the Government Code provides that the approval of the Legislature, by concurrent resolution, is required in order for the California Law Revision Commission to undertake and carry forward studies; and

WHEREAS, The commission has submitted to the Governor and the Legislature its 1957 report, containing its selections for study as prescribed by law; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision

Commission is authorized and directed to continue study of those topics heretofore authorized for study by the Legislature and upon which the commission has not yet made a report and to undertake a study of each of the following topics:

Topic 1: A study to determine what the inter vivos rights of one spouse should be in property acquired by the other spouse during marriage while domiciled outside California.

Topic 2: A study to determine whether the law relating to attachment, garnishment, and property exempt from execution should be revised.

Topic 3: A study to determine whether a defendant in a criminal action should be required to give notice to the prosecution of his intention to rely upon the defense of alibi.

Topic 4: A study to determine whether the Small Claims Court Law should be revised.

Topic 5: A study to determine whether the law relating to the rights of a good faith improver of property belonging to another should be revised.

Topic 6: A study to determine whether the separate trial on the issue of insanity in criminal cases should be abolished or whether, if it is retained, evidence of the defendant's mental condition should be admissible on the issue of specific intent in the trial on the other pleas.

Topic 7: A study to determine whether partnerships and unincorporated associations should be permitted to sue in their common names and whether the law relating to the use of fictitious names should be revised.

Topic 8: A study to determine whether the law relating to the doctrine of mutuality of remedy in suits for specific performance should be revised.

Topic 9: A study to determine whether the provisions of the Penal Code relating to arson should be revised.

Topic 10: A study to determine whether Civil Code Section 1698 should be repealed or revised.

Topic 11: A study to determine whether minors should have a right to counsel in juvenile court proceedings.

Topic 12: A study to determine whether Section 7031 of the Business and Professions Code, which precludes an unlicensed contractor from bringing an action to recover for work done, should be revised.

Topic 13: A study to determine whether the law respecting the rights of a lessor of property when it is abandoned by the lessee should be revised.

Topic 14: A study to determine whether a former wife, divorced in an action in which the court did not have personal jurisdiction over both parties, should be permitted to maintain an action for support.

Topic 15: A study to determine whether the doctrine of sovereign or governmental immunity in California should be abolished or revised.

Topic 16: A study to determine whether an award of damages made to a married person in a personal injury action should be the separate property of such married person.

Topic 17: A study of the Juvenile Court Law to determine whether changes in that law or in existing procedures should be made so that the term "ward of the juvenile court" would be inapplicable to nondelinquent minors.

Topic 18: A study to determine whether a trial court should have the power to require, as a condition of denying a motion for a new trial, that the party opposing the motion stipulate to the entry of judgment for damages in excess of the damages awarded by the jury.

CHAPTER 203

Assembly Concurrent Resolution No. 133—Relative to inviting the major political parties to hold their 1960 national conventions in this State.

[Filed with Secretary of State, May 13, 1957.]

WHEREAS, The State of California is proud of its historic contributions to the development of both the Republican and Democratic Parties, having provided them with significant popular strength as well as numerous leaders of great stature; and

WHEREAS, The State of California has in the past been privileged to host national conventions of each great party, and has recently demonstrated that it has unexcelled facilities for the staging of presidential nominating conventions; and

WHEREAS, Both the State of California and its cities with available convention facilities, including those which are major centers of communication and transportation, are prepared to offer generous support that would help insure the success of the 1960 national conventions; and

WHEREAS, Delegates and guests from all the states and territories would be assured of a most cordial and heartfelt welcome from the people of California, and would be afforded the scenic beauties as well as the personal hospitality for which this State is justly famous; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby join the Governor of California in extending to the Democratic and Republican Parties an invitation to hold their 1960 National Conventions in California; and does urge all California cities with suitable convention facilities to extend similar invitations; and does assure to both parties the fullest official support of the State and the warmest greetings of its people; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the chairmen of the national committees of the Republican and Democratic Parties.

CHAPTER 204

Assembly Concurrent Resolution No. 138—Relative to commending the organization known as Careers Unlimited for Women.

[Filed with Secretary of State, May 13, 1957.]

WHEREAS, In recent years it has become increasingly apparent that our economy is failing to properly use the talents of capable and deserving people who are over 40 years of age, and in particular women who have reached that age; and

WHEREAS, The full utilization of the services of such women would alleviate the shortage of labor in many fields of employment; and

WHEREAS, Due to this problem, there is an urgent and increasing need for organizations devoted to finding positions for older women and to demonstrating the value of making use of the talents and capabilities of such women; and

WHEREAS, It has come to the attention of the California Legislature that such an organization, Careers Unlimited for Women, has been performing such valuable services in the San Francisco Bay region; and

WHEREAS, The members of Careers Unlimited for Women have unselfishly devoted time and expense in assisting older women to find suitable employment by giving each applicant individual attention, finding the positions for which they are best suited, contacting employers to find suitable positions for such women, and explaining to service organizations and other groups the capabilities of older people, their value as employees; and

WHEREAS, As the result of the untiring efforts of the members of Careers Unlimited for Women, in the past year positions were found for over 600 women over 40 years of age, whose earnings amounted to well over a million dollars, thereby enabling such women to earn the money to which their talents and capabilities entitle them; and

WHEREAS, Many of such women otherwise would have been compelled to apply for social security, unemployment insurance, or old age pensions, thereby increasing governmental expenditures; and

WHEREAS, Much of the success of Careers Unlimited for Women is due to the capable leadership and direction furnished by Benjamin H. Swig, its chairman, and Charles Rosenthal, its director; and

WHEREAS, Particular commendation is due to the following civic minded members of Careers Unlimited for Women, who have devoted their entire time five days a week around the clock on a volunteer basis in unselfishly performing the services previously recited, and whose services contributed greatly to the important results achieved by Careers Unlimited for Women: Mrs. Charles Rosenthal, Mrs. Mabel Caverly, Mrs.

Teckla Mayer, Mrs. Amelia Davis, and Miss Dora Feldblet; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby commend the members of Careers Unlimited for Women for the great service which they are rendering to the State of California and its people through their dedicated work in securing employment for older women; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Careers Unlimited for Women, San Francisco, California, and to Mrs. Charles Rosenthal, Mrs. Mabel Caverly, Mrs. Teckla Mayer, Mrs. Amelia Davis, Miss Dora Feldblet, Benjamin H. Swig, and Charles Rosenthal.

CHAPTER 205

Assembly Concurrent Resolution No. 144—Memorializing Adeline Kent Howard.

[Filed with Secretary of State, May 13, 1957.]

WHEREAS, The Legislature has learned with deep regret of the death on March 24, 1957, of Adeline Kent Howard, the daughter of William Kent, former Representative in Congress from the First Congressional District, and the sister of Roger Kent, Democratic State Chairman; and

WHEREAS, She was a native Californian from Marin County, resident in San Francisco and a graduate of the San Francisco School of Fine Arts, on whose board of directors she served for a great many years, and

WHEREAS, A sculptor whose work was commissioned for many state and municipal public buildings, she was one of California's internationally known creative artists. She looked to the past to learn from the best of it, but she looked to the future for the inspiration and vitality of her work and her personal activities. Recognition never made her complacent, and she gave of her skill and her resources to countless young artists in whose as yet unrecognized talents she had faith; and

WHEREAS, She was a conservationist in belief and practice. She loved the granite mountains of the Sierra and lived among them as much as possible, summer and winter. She knew intimately the rough Pacific Coast, the great trees and the profuse wild flowers. In her life and in her work she expressed the human spirit in serene harmony with the natural world around her; and

WHEREAS, She lived fully her numbered days, eagerly receptive to new ideas of vigor and scope which might liberate or express her fellow man; and

WHEREAS, Compassionate always towards others, beloved by her colleagues and legion of friends, it has been said of her

that she was tolerant of everything, except intolerance; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their sorrow at the passing of Adeline Kent Howard, and offer their sincere condolences to the bereaved members of her family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to her husband, Robert Howard, and to her daughters, Ellen and Galen Howard.

CHAPTER 206

Assembly Concurrent Resolution No. 148—Approving an amendment to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the second day of April, 1957.

[Filed with Secretary of State, May 13, 1957]

City of Berkeley Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendment hereinafter set forth to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

Certificate

We, the undersigned, Claude B. Hutchison, Mayor of the City of Berkeley, State of California, and Ruth C. Kemp, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, pg. 1208).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the legislative body of said City, duly and regularly submitted to

the qualified electors of said City a certain proposal designated as a "Charter Amendment" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 2nd day of April, 1957.

That said proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 18th day of February, 1957, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 19th day of February, 1957, and on each day thereafter to and including the 1st day of April, 1957, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendment could be had upon application therefor at the office of the City Clerk of said City to and including the 2nd day of April, 1957, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 2nd day of April, 1957, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendment in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that the amendment to the Charter of the City of Berkeley hereinafter set forth was ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 36,204-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendment to the Charter of the City of Berkeley so ratified by the electors of said City is in the words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

Repeal That Section 57 of Article X of the Charter of the City of Berkeley be repealed.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 17th day of April, 1957.

(SEAL)

CLAUDE B. HUTCHISON
Mayor of the City of Berkeley
RUTH C. KEMP
City Clerk of the City of Berkeley

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said amendments to the charter of the City of Berkeley, as presented to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of said City of Berkeley.

CHAPTER 207

Senate Concurrent Resolution No. 117—Approving a certain amendment to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on April 16, 1957.

[Filed with Secretary of State, May 15, 1957]

City of San Diego Charter amendments WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the City of San Diego,

a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows: Certificate

The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 7355 (New Series), passed and adopted by said Council on the 28th day of February, 1957, duly proposed to the qualified electors of The City of San Diego a certain amendment to the Charter of said City, designated as Proposition B, and ordered said proposed Charter amendment to be submitted to said qualified electors at the general municipal election called and held in said City on the 16th day of April, 1957.

That said proposed Charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to-wit: on March 6, 1957.

That, in accordance with the provisions of said Section 8 of Article XI, copies of said proposed Charter amendment were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and until the date fixed for the election herein described a notice was advertised and published in the San Diego Union, a daily newspaper of general circulation in said City, and such copies could be had upon application therefor in the office of the City Clerk of The City of San Diego.

That such copies of said proposed Charter amendment could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election.

That said proposed amendment was submitted to the qualified electors of said City at said General Municipal Election held in said City.

That at said election on the said proposed amendment to the Charter of The City of San Diego a majority of the qualified voters of the City voting on said proposed amendment voted in favor of the proposition designated as Proposition B, and said proposed amendment was ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI, the Charter of The City of San Diego and the laws of the State of California.

That as to said amendment to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendment to the Charter of The City of San Diego which was so ratified by a majority of the electors of said City, is in words and figures as follows:

PROPOSITION B

Amend Section 117 of Article VIII of the Charter of The City of San Diego to read as follows:

Administrative service

"Section 117. Classification. The administrative service of the City is hereby divided into the Unclassified and Classified Service, as follows:

Unclassified service

The Unclassified Service shall include all elective positions and the following administrative offices:

Assistant to the Mayor; a confidential secretary to the Mayor; a confidential secretary to the City Council; City Manager, a confidential secretary, one Assistant Manager and two Assistants to the Manager; City Clerk; City Auditor and Comptroller; Park and Recreation Director; Director of Mission Bay Park; City Librarian; Chief of Police; Director of Building Inspection; Director of Operations of Police Department; Director of Service of Police Department; a confidential secretary to the Chief of Police; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Public Works; Director of the Water Department; Hydraulic Engineer; Superintendent of Maintenance and Operation of the Water Department; Director of Public Health; Director of Social Service; Industrial Coordinator; officers and employees of the San Diego Unified School District; members of all Commissions and Advisory Boards who serve the City without compensation.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service." Classified service

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 1st day of May, 1957.

CHARLES C. DAIL
(SEAL) Mayor of The City of San Diego, California.
FRED W. SICK
City Clerk of the City of San Diego, California.

and

WHEREAS, Said proposed charter amendment is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of said City of San Diego. Approval

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CHAPTER 208

Senate Concurrent Resolution No. 64—Relative to designation of California Highway One.

[Filed with Secretary of State, May 17, 1957]

WHEREAS, The Cabrillo Civic Clubs of California, an organization of 16 clubs in 16 counties of our State, representing a membership of over 2,600, have as one of their objectives the honoring of John Rodrigues Cabrillo who discovered California on September 28, 1542; and

WHEREAS, The course followed by Cabrillo along the California coast parallels the route of Highway One and runs from San Diego north through Port San Luis, Morro Bay, Estero Bay, San Simeon, and Monterey, to San Francisco; and

WHEREAS, One of California's great assets is our attractiveness as a tourist state, where people come to view and enjoy our beaches, parks, scenery and landmarks of historical interest; and

WHEREAS, John Rodrigues Cabrillo's role in our history is a significant one and his journey along our coast would have romantic appeal to vacationers as well as to our own citizens, thus bringing economic as well as cultural benefit to our State; and

WHEREAS, A name such as the "Cabrillo" stimulates more interest than a numeral designation alone would create, and would lend itself more effectively to tourist advertising because of the colorful way in which our present attractions could be offered in an historical setting; and

WHEREAS, The name "Cabrillo" is more easily remembered by tourists because of its uniqueness as compared with the common number designation which most highways in our Nation carry; and

WHEREAS, The Cabrillo Civic Clubs' interest in the adding of the name "Cabrillo" is based on the belief that in California, as in America, we would be reminded that our greatness, our vitality, and our resourcefulness stems from hardy, courageous, pioneer stock like John Rodrigues Cabrillo, who possessed the vision to explore new horizons, thus giving us today the heritage of which we are so genuinely proud; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the name of Highway One and future additions thereto is hereby expanded to include the name "Cabrillo" and the Department of Public Works is requested to use this designation on appropriate signs placed at intervals along the highway; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to each of the Cabrillo Civic Clubs of California and to the Director of Public Works.

CHAPTER 209

Senate Concurrent Resolution No. 78—Relating to road signs and markings on State Highway Route 11.

[Filed with Secretary of State, May 17, 1957.]

WHEREAS, Since the erection of existing signs on State Highway Route 11 the development and population center of Rancho Cordova has become a major destination for traffic on that route; and

WHEREAS, Existing signs, by not indicating the distance and direction to Rancho Cordova, are not adequate to meet the needs of a large portion of the traffic traversing that route; and

WHEREAS, References in existing signs to Mills are of little value to travelers as other areas on the route have become larger business and population centers and such references, because of that fact, are now misleading; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Public Works is requested to cause all signs and markings on State Highway Route 11 now containing the name "Mills" to be changed to refer to "Rancho Cordova," to erect a sign on the south side of that route, at Perkins, designating the number of miles to Rancho Cordova, to erect a similar sign on the north side of that route at the intersection of that route and the county road to Folsom, and to erect an appropriate sign on both sides of that route at Rancho Cordova; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 210

Senate Concurrent Resolution No. 98—Approving certain amendments to the charter of the City of Sunnyvale, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election consolidated with the general municipal election of the City of Sunnyvale held therein on the ninth day of April, 1957.

[Filed with Secretary of State, May 20, 1957]

City of Sunnyvale Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Sunnyvale, a municipal corporation in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SUNNYVALE OF TEN CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF SUNNYVALE

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss.
CITY OF SUNNYVALE

Certificate

We, the undersigned, THOMAS M. RYAN, Mayor of the City of Sunnyvale, and EUGENIA J. BROWN, City Clerk of the City of Sunnyvale, do hereby certify and declare as follows:

That the City of Sunnyvale, a municipal corporation in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants, and ever since the 7th day of June, 1949, has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the

State of California, which charter was duly ratified by the qualified electors of said City of Sunnyvale at an election held for that purpose on the 10th day of May, 1949, and approved by the Legislature of the State of California by concurrent resolution on June 2, 1949, and filed with the Secretary of State on June 7, 1949.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Sunnyvale, on its own motion, by its Resolution numbered 2249, adopted on January 22, 1957, duly and regularly submitted to the qualified electors of said City of Sunnyvale ten certain proposals to amend the Charter of the City of Sunnyvale and to be voted upon by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 9th day of April, 1957, and consolidated with the General Municipal Election of the City of Sunnyvale to be held in said City on said 9th day of April, 1957.

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 15th day of February, 1957, in the Sunnyvale Standard, a newspaper of general circulation published in the City of Sunnyvale, and in each edition thereof during said day of publication.

That said special municipal charter amendment election consolidated with the General Municipal Election of the City of Sunnyvale was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 9th day of April, 1957, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said Sunnyvale Standard.

That the Council of said City of Sunnyvale did, in the manner provided by law, duly and regularly canvass all ballots cast at said special municipal charter amendment election consolidated with the General Municipal Election of the City of Sunnyvale, as aforesaid, and did, by resolution duly adopted on April 16, 1957, duly find and declare that a majority of the qualified electors voting on each of the said proposals voted in favor thereof and that all of said proposals to amend the Charter of said City were ratified.

That a majority of the qualified voters voting on each of said proposals voted in favor of the ratification of and did ratify said proposals to amend said charter of said City.

That said charter amendments so ratified by the majority of the qualified electors of said City voting at said special municipal charter amendment election are in words and figures following, to wit:

PROPOSAL No. 1

By amending Section 600 of Article VI of the Charter of the City of Sunnyvale, to read as follows:

"Section 600. Enumeration. The elective officers of the City shall consist of a City Council composed of seven members." Elective officers

PROPOSAL No. 2

By amending Section 702 of Article VII thereof, to read as follows:

"Section 702. Compensation. Each member of the City Council shall be entitled to receive compensation in the amount of $50 00 per calendar month if he attends all regular meetings in such month; if he does not attend all regular meetings in a calendar month, his compensation for such month shall be pro-rated. The Mayor shall be entitled to receive compensation in the amount of $75.00 per calendar month if he attends all regular meetings in such month; if he does not attend all regular meetings in a calendar month, his compensation shall be pro-rated. The members of the City Council shall also be entitled to reimbursement for necessary traveling and other expenses actually incurred when on official duty out of the City on order of the City Council." Compensation of members of city council

PROPOSAL No 3

By amending Section 808 of Article VIII thereof, to read as follows:

"Section 808 Adoption of Ordinances and Resolutions With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The corrections of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. Ordinances and resolutions

"No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

"Unless a higher vote is required by the other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money."

PROPOSAL NO. 4

By amending Section 809 of Article VIII thereof, to read as follows:

Emergency ordinances

"Section 809. Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes."

PROPOSAL NO. 5

By amending Section 813 of Article VIII thereof, to read as follows:

Effective date of ordinances

"Section 813. Ordinances. When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner herein provided; or

(e) An ordinance annexing areas to the City."

PROPOSAL NO. 6

By amending Section 900 of Article IX thereof, to read as follows:

Appointive officers

"Section 900. Officers to be Appointed by the City Council. In addition to the City Manager, the City Council shall appoint the City Clerk and the City Attorney, who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes.

"All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager."

PROPOSAL NO. 7

By amending Section 1304 of Article XIII thereof, to read as follows:

Budget

"Section 1304. Budget. Further Consideration and Adoption. After the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or

before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the Director of Finance and a further copy shall be placed and shall remain on file, in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City."

PROPOSAL NO. 8

By amending Section 1316 of Article XIII thereof, to read as follows:

"Section 1316. Actions Against City. No suit shall be brought on any claim for money or damages against the City or any department, officer, or agency thereof until a verified claim for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be presented to the Director of Finance within ninety days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim accrued. Actions against city

"In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty days from the day the same is filed with the Director of Finance shall be deemed a rejection thereof."

PROPOSAL NO. 9

By repealing Section 1312 of Article XIII thereof in its entirety; said Section 1312, which is repealed in its entirety, reads as follows: Repeal

"Section 1312. Departmental Trust Fund. The City Council shall prescribe by ordinance for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited daily by the respective officers handling the receipt of such collections. Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper departments or division head and for the following purposes only:

(a) The making of refund of bail which has been exonerated or of other refundable deposits;

(b) The making of settlements with City funds at the end

of each calendar month for collections accumulated during the month."

PROPOSAL No. 10

Repeal By repealing Article XV thereof in its entirety; said Article XV, which is repealed in its entirety, reads as follows:

"Article XV

The City Court

Section 1500. City Court. The City Court for the City of Sunnyvale is hereby created and established to be presided over by a City Judge. It shall succeed to the Court known as the City Court under the previous charter.

"The City Court shall have the same jurisdiction as now is or may hereafter be conferred upon Justices' Courts of Class A in all civil and criminal actions and proceedings arising within the corporate limits of the city. It shall have exclusive jurisdiction of all actions for violation of this Charter or of any ordinances of the City.

"The rules of practice in said City Court shall be the same as are prescribed for Justices' Courts in like cases. Appeals may be taken to the Superior Court of the County of Santa Clara in like manner as in cases of appeals from Justices' Courts In the event the system of Justices' Courts shall be succeeded by a new system of courts inferior to the Superior Courts then the criminal jurisdiction and rules of practice of the City Court shall be the same as shall be prescribed by law for such new system of inferior courts.

"Section 1501. City Judge. There shall be a City Judge appointed by the City Council To be eligible for appointment as City Judge the appointee shall have been admitted to practice before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least one year prior to his appointment.

"The City Judge shall preside over the City Court and shall have the power and perform the duties of a magistrate. In all cases where the City Judge is disqualified or unable to act, any other City Judge or Justice of the Peace may be called in. The City Judge shall devote such time to the duties of his office as may be specified in the ordinance fixing the compensation for such office."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Sunnyvale with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the Charter of the City of Sunnyvale are hereby submitted to the Legislature of the State of California for approval or rejection

as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and cause the seal of the City of Sunnyvale to be affixed hereto this 17th day of April, 1957.

THOMAS M. RYAN
(SEAL) Mayor of the City of Sunnyvale
EUGENIA J. BROWN
City Clerk of the City of Sunnyvale

and

WHEREAS, Said proposed charter amendments have been and are now submitted to the Legislature of the State of California for approval or rejection as a whole, without the power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the charter of said City of Sunnyvale.

CHAPTER 211

Assembly Joint Resolution No. 16—Relative to the relationship between Federal and State Governments.

[Filed with Secretary of State, May 20, 1957]

WHEREAS, Recent decisions of the United States Supreme Court have indicated that the permissible area of state activity in certain fields has materially narrowed and the power of the Federal Government has been materially increased at the expense of state governments; and

WHEREAS, It has been held by the Supreme Court that a state law requiring a permit for the construction of a hydroelectric plant on a non-navigable stream need not be complied with inasmuch as the waters involved were on "reserved lands" of the Federal Government and that the Federal Government had the power to regulate the use of waters on all such lands; and

WHEREAS, Prior to this decision the view widely prevailed that all non-navigable waters a part of the public domain were subject to the plenary control of the states, with no dis-

tinction as to whether the waters were on reserved lands or on lands subject to private acquisition and disposal under public land laws; and

WHEREAS, When it is considered that over 46 percent of all land in this State is owned by the Federal Government, any interpretation of this Supreme Court decision to the effect that state laws regulating the appropriation and use of waters are inapplicable to waters on or originating on federal lands would result in a serious disruption in the orderly development and utilization of the waters in this State by state and local agencies, and a substantially similar situation exists in most of the other western states; and

WHEREAS, The Supreme Court has also recently held that no compensation need be paid, in federal condemnation proceedings along a navigable stream, for that portion of the value attributable to the riparian nature of the land, on the ground that the land was held subject to the dominant navigational servitude of the Federal Government; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation similar to the "Western Water Rights Settlement Act of 1957" proposed in the current session of Congress by Senator Barrett of Wyoming, for the exclusive purpose of removing all doubts as to the validity of existing water rights acquired under state laws, and to provide that the future acquisition of unappropriated waters in each state, navigable and non-navigable, must be in compliance with state laws; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 212

Assembly Joint Resolution No. 26—Relative to a congressional investigation of the poultry production industry.

[Filed with Secretary of State, May 20, 1957]

WHEREAS, The poultry industry is a most important segment of California's agricultural economy; and

WHEREAS, A long period of depressed prices has created serious problems for the poultry producers in the State of California; and

WHEREAS, The natural advantage of proximity to California's important and expanding consumer markets appears to be vitiated by reason of shipment into the State of poultry from areas with lower health and inspection standards than are required of poultry producers in the State of California; and

WHEREAS, Congressional action may well be required to solve this vexing problem and preserve the California poultry industry from destructive inequalities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to conduct such investigations as may be necessary to develop a program of legislation to insure equitable conditions for production of poultry throughout the Nation; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 213

Assembly Concurrent Resolution No. 129—Relative to recognition of California state meat inspection.

[Filed with Secretary of State, May 20, 1957]

WHEREAS, The State of California has recognized through the enactment of the California Meat Inspection Act the principle that meat inspection is a public health measure for the protection of consumers to be paid for by the State; and

WHEREAS, The act requires that the state service be equivalent to the meat inspection service given by the United States Department of Agriculture and that regulations promulgated by the State Director of Agriculture be identical with those promulgated by the Secretary of Agriculture under authority granted to him by the Federal Meat Inspection Act of 1906; and

WHEREAS, In spite of the identical nature of the service given, meat plants under California meat inspection are prohibited from shipping their products in interstate commerce, from export and from supplying federal agencies and the armed forces and further such plants are prohibited from selling and shipping to other plants in their immediate area that are under the Federal Meat Inspection Service; and

WHEREAS, Such a situation is manifestly unjust for the California state inspected plant and works an unnecessary hardship on such plants to the extent that they are hard pressed to remain in business; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature inquire if the Secretary of Agriculture is empowered to recognize the California State Meat Inspection Service and to certify plants under this service for interstate commerce, for export trade and for sales to federal agencies and the armed forces of the United States; and be it further

Resolved, That if the Secretary of Agriculture has been invested with this authority under the meat inspection laws, he permit meat from California inspected plants to carry the legend "California Inspected and Passed, U. S. Approved," to enable such plants to participate in commerce from which they have heretofore been barred; and be it further

Resolved, That if the Secretary of Agriculture has no authorization to take such action, the Legislature memorialize Congress to amend the Federal Meat Inspection Act of 1906 to correct these inequities.

CHAPTER 214

Assembly Concurrent Resolution No. 147—Memorializing Charles A. Ginnever.

[Filed with Secretary of State, May 20, 1957.]

WHEREAS, The Legislature has learned with sadness of the death of Charles A Ginnever, Treasurer of the City of San Mateo for almost 34 years; and

WHEREAS, Mr. Ginnever, a resident of San Mateo for 41 years, had been active in city affairs for almost a half century and was one of the city's best known and respected public officials; and

WHEREAS, He has been widely recognized for his leadership and major contributions in promoting San Mateo Post 82 of the American Legion, of which he had been a past post commander; and

WHEREAS, During World War II he gave freely of his time and energy to administering the Legion dormitory at the civic center, and extending a helping hand to scores of young G. I's on their way to the Pacific war theater; and

WHEREAS, During his many years of conscientious faithful service as an officer of the City of San Mateo, he watched it grow from a small town of 5,000 to a large progressive and modern city, proud to have had a share in its growth and development; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their profound sorrow at the passing of Charles A. Ginnever, and extend their sincere sympathies to his bereaved family and host of friends; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to his widow, Mrs. Helen Ginnever, his daughter, Miss Carole Ginnever, his son, Charles Ginnever, Jr., and his sister, Mrs. Cora Pollock.

CHAPTER 215

Assembly Concurrent Resolution No. 149—Relative to congratulating the George Washington High School in San Francisco and the principal thereof.

[Filed with Secretary of State, May 20, 1957.]

WHEREAS, It has come to the attention of the Legislature that George Washington High School in San Francisco was recently presented the Award of Merit Scholarship Certificate for the fifth successive year; and

WHEREAS, The Award of Merit Scholarship Certificate is awarded annually by the University of California to the accredited high school whose graduates have achieved the highest collective grade point average in their first semester at the university; and

WHEREAS, Dr. Robert Gordon Sproul, President of the University of California, in personally presenting the award called George Washington High School "the best academic high school in the State" and said "George Washington is truly a school of distinction"; and

WHEREAS, This remarkable accomplishment shows the work of a truly great and able principal, exceptionally dedicated teachers, and an unusually intelligent student body; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby congratulate the student body of the George Washington High School, its principal, Mr. Otto I. Schmaelzle, the faculty, and the graduates at the University of California for this outstanding scholastic achievement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit illuminated copies of this resolution to the George Washington High School in San Francisco and to Mr. Otto I. Schmaelzle.

CHAPTER 216

Senate Joint Resolution No. 18—Relative to the granting of statehood to Hawaii and Alaska.

[Filed with Secretary of State, May 21, 1957.]

WHEREAS, The San Francisco Bay area and the State of California derive from, and share with, the Territories of Alaska and Hawaii great economic and commercial advantages; and

WHEREAS, The peoples of the Territories of Alaska and Hawaii have expressed their desire through constitutional processes to join the brotherhood of the United States; and

WHEREAS, Their future is an integral part of the economy, defense and general welfare of the United States; and

WHEREAS, The peoples of the Territories of Alaska and Hawaii have long since fulfilled all the requirements for statehood; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation providing for admission to statehood of the Territory of Alaska and the Territory of Hawaii; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 217

Senate Concurrent Resolution No. 59—Relative to the "Santa Cruz Plan" for the rehabilitation of mental patients.

[Filed with Secretary of State, May 21, 1957.]

WHEREAS, The Santa Cruz Disabled American Veterans Chapter 52 and Auxiliary have developed a formula for helping to rehabilitate hospitalized mental patients; and

WHEREAS, This formula, known as the "Santa Cruz Plan", is based on a combination of healthful living and wholesome environment, and has been used with great success in achieving the purposes for which it was established; and

WHEREAS, Due to the constantly increasing number of persons committed to state mental institutions each year, it is essential that a proven technique be found for the care and rehabilitation of such persons, so that they may be restored to sound mental health and released from custody in the minimum time possible; and

WHEREAS, The "Santa Cruz Plan" might well provide the technique so urgently needed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Mental Hygiene is hereby requested to investigate the "Santa Cruz Plan" for the rehabilitation of mental patients, to determine whether it would be feasible and desirable to adopt such plan for use in the state mental health program, and to report its findings and recommendations on the matter to the Legislature not later than February 3, 1958; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Director of Mental Hygiene.

CHAPTER 218

Assembly Concurrent Resolution No. 13—Relative to the name of the Wilson Creek Bridge on State Highway Route 1.

[Filed with Secretary of State, May 22, 1957.]

WHEREAS, The Department of Public Works is constructing, or about to construct, a bridge across Wilson Creek on State Highway Route 1 in the County of Del Norte; and

WHEREAS, It has heretofore been the policy to name the bridges of this county after distinguished citizens or pioneers of the county; and

WHEREAS, Wilson Creek is located on the old Louis De Martin, Sr., ranch; and

WHEREAS, The said Louis De Martin, Sr., came to the County of Del Norte and settled upon said property in the year 1875, and was the father of 15 children in the county and upon said ranch; and

WHEREAS, The said Louis De Martin, Sr., constructed the first bridge across Wilson Creek upon the highway which is now Route 1; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the bridge across Wilson Creek on State Highway Route 1, when completed, shall be known officially as "Louis De Martin, Sr., Bridge," and the Department of Public Works is requested to place a suitable plaque on said bridge containing such name; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Frank B. Durkee, Director of Public Works.

CHAPTER 219

Senate Concurrent Resolution No. 110—Approving charter amendments to the charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the eighth day of April, 1957.

[Filed with Secretary of State, May 23, 1957.]

City of San Rafael Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of San Rafael, a municipal corporation of the County of Marin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SAN RAFAEL OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF MARIN } ss
CITY OF SAN RAFAEL }

Certificate

We, the undersigned, John F. McInnis, Mayor of the City of San Rafael, and W. L. Morgan, City Clerk of the City of San Rafael, do hereby certify and declare as follows:

That the City of San Rafael, County of Marin, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1913 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 29th day of May, 1912, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 31st day of March, 1913 (Statutes of 1913, page 1549).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Rafael, being the legislative body of said city, on its own motion, by its Resolution No. 1904, adopted on March 19, 1957, duly and regularly submitted to the qualified electors of said City certain proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at the general municipal election held in said City on April 8, 1957.

That said proposed amendments were published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 18th day of February, 1957 in the Independent-Journal, the official newspaper of said City or San Rafael, a newspaper of general circulation printed and published daily except Sunday in said City of San Rafael, and in each edition thereof during said day of publication.

That said General Municipal Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 8th day of April, 1957, which day was not less than forty (40) and not more than (60) days after the completion of said publication and advertisement of said proposed amendment in said Independent-Journal.

That the City Council of said City of San Rafael did on April 12, 1957 canvass the votes cast in said City at said General Municipal Election and did duly certify the results of the votes cast did by resolution duly find and declare that

a majority of the qualified voters voting on each of said charter amendments voted in favor thereof and that each of said charter amendments was ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify each of said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said General Municipal Election were to amend certain Sections of the Charter of the City of San Rafael in the words and figures following, to wit:

CHARTER AMENDMENT No. 11

A new section, numbered 4, is hereby added to Article XII of the Charter of the City of San Rafael, to read as follows:

Transfer of duties of city officers

Section 4. The City Council may, by ordinance, provide for the performance of the following duties by appropriate officers of the County of Marin, State of California, as authorized by any laws of the State of California then in force and effect:

a) The assessment of city property for city taxes.

b) The equalization and correction of assessments.

c) The collection, payment and enforcement of the taxes, including delinquent taxes.

d) The redemption of property from sale or other penalty for non-payment of city taxes.

During such periods of time as such an ordinance may be in effect and such duties are being performed by appropriate county officers, the offices of the City Assessor and City Tax Collector shall become and remain suspended and vacant, and all of the duties of the City Assessor not being so performed by County officers shall be performed by the City Clerk, and all of the duties of the City Tax Collector not being performed by County officers, shall be performed by the City Treasurer.

Also during such periods of time as such ordinance may be in effect and such services are being performed by appropriate County officers, the provisions of Section 3 of Article XII of this charter, requiring the City Council to meet as a board of equalization shall also be ineffective and inoperative.

All provisions of this charter and ordinances adopted thereunder, which may be in conflict herewith, are hereby repealed.

CHARTER AMENDMENT No. 12

Amending Section 2 of Article XIII to read as follows:

Contract payments

Section 2. Contracts may provide for progressive payments, but no progressive payments can be provided for or made at any time which, with prior payments, shall exceed Ninety per cent (90%) of the value of the labor done and the materials used up to that time, and no contract shall provide

for or authorize the payment of more than Ninety per cent (90%) of the contract price before the completion of the work done thereunder and the acceptance thereof by the proper officer, board or department.

CHARTER AMENDMENT No. 13

Amending Section 9 of Article VI to read as follows:

Compensation of officers

Section 9. "The Mayor shall be paid a monthly salary of One Hundred ($100 00) Dollars and each of the Councilmen shall be paid a monthly salary of Fifty ($50.00) Dollars, said salaries payable at the same time and in the same manner as the salaries of other employees and officers of said City. In addition, while acting as a Board of Equalization, the Mayor and each of the Councilmen shall be paid the sum of Five ($5 00) Dollars per day for each day they actually and necessarily sit as a member of said Board of Equalization. The City Clerk, City Attorney, City Treasurer, City Assessor, City Tax and License Collector, Chief of Police and Police Judge, shall severally receive at stated times a compensation to be fixed by ordinance by the Council, which compensation shall not be increased or diminished after their election or during their several terms of office. The compensation of all other offices except as otherwise provided in this charter, whether elected or appointed, shall be fixed from time to time by the Council."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of San Rafael with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of San Rafael are hereby each individually submitted to the Legislature of the State of California for approval or rejection each as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said each amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of San Rafael to be affixed hereto this 26th day of April, 1957.

JOHN F. McINNIS
(SEAL) Mayor of the City of San Rafael
W. L MORGAN
City Clerk of the City of San Rafael

and

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for

approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Rafael, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of San Rafael.

CHAPTER 220

Assembly Concurrent Resolution No. 146—Relative to the centennial of the birth of James L. Gillis.

[Filed with Secretary of State, May 24, 1957.]

WHEREAS, This year marks the 100th anniversary of the birth of James L. Gillis, State Librarian, 1899-1917; and

WHEREAS, The program of County Library service throughout California over the years since the establishment of the first county library in 1909 has provided millions of books to readers in the plan of service envisioned by James L. Gillis; and

WHEREAS, The County Free Library Law, which was drafted by James L. Gillis, has proved to be an instrument of administrative and political wisdom in its far-sighted provisions ensuring high level personnel and service in the county libraries in this State; and

WHEREAS, The personality, character, and intelligence of James L. Gillis was evident in his administration of the service and program of the State Library which he instituted and which has been carried forward since; and

WHEREAS, James L. Gillis was a state official whose career has been an inspiration to librarians in California and the Nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California recognize the contribution to public library service made by James L. Gillis by adopting this resolution memorializing the centennial of his birth; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit a suitable copy of this resolution to Mabel R. Gillis, State Librarian, retired, daughter of James L. Gillis.

CHAPTER 221

Senate Joint Resolution No. 33—Relative to state representation on the Airspace Subcommittee of the National Airspace Committee.

[Filed with Secretary of State, May 27, 1957]

WHEREAS, The allocation of airspace in this State is of vital importance to the people of the State due to the fact that 13 percent of the Country's pilots and 12 percent of the Country's aircraft are located in this State; and

WHEREAS, California has only a limited airspace suitable for flying due to terrain and to security zones in which commercial flying is prohibited; and

WHEREAS, An increasing amount of the remaining airspace is being assigned to military aircraft, with a decreasing amount of airspace left to general aircraft travel; and

WHEREAS, The assigning of airspace in the area is the function of the Airspace Subcommittee of the National Airspace Committee, which meets monthly in Los Angeles; and

WHEREAS, The State of California is not represented on the subcommittee as it is presently constituted despite the fact that the State is vitally affected by the assignment of airspace in this State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the United States Department of Commerce through the Civil Aeronautics Commission to appoint one Member of the Senate of the State of California and one Member of the Assembly of the State of California to the Airspace Subcommittee to serve as representatives of this State insofar as such activity is not incompatible with their legislative office; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the United States Department of Commerce and the Civil Aeronautics Commission.

CHAPTER 222

Assembly Concurrent Resolution No. 75—Relative to a study of the laws relating to narcotics by the California Law Revision Commission.

[Filed with Secretary of State, May 27, 1957]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision Commission be and is hereby requested to study the advisability of a separate code for all laws relating to narcotics, with needed substantive revision from a health and a law enforcement standpoint, and to submit a report to the Legislature not later than the tenth legislative day of the 1959 General Session of the Legislature, including in the report its recommendations for appropriate legislation.

CHAPTER 223

Assembly Concurrent Resolution No. 155—Relative to the Republic of Mexico's Ninety-fifth Anniversary of the Cinco de Mayo.

[Filed with Secretary of State, May 27, 1957.]

WHEREAS, On May 5th, our friend and neighbor, the Republic of Mexico, celebrates the ninety-fifth anniversary of her revered national holiday, Cinco de Mayo; and

WHEREAS, It was on this very day in 1862 when a small band of brave men under the command of Ignacio Zarogoza, greatly outnumbered, defeated the French in the Battle of Guadalupe, this glorious victory becoming an inspiring symbol of the people of Mexico's determination to achieve independence from foreign domination; and

WHEREAS, The flame of independence that burned so brightly on the fields of Guadalupe on the fifth day of May, 1862, continued to shed its light and courage, until today the Republic of Mexico shares with the rest of the hemisphere a common heritage of freedom and independence; and

WHEREAS, It is most fitting and proper to honor our good neighbor in her valiant struggle for freedom and to take this opportunity to reaffirm our faith in our free and independent form of life; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature, on behalf of the people of the State of California, extend to the people of Mexico their best wishes and felicitous greetings on the occasion of the celebration of their great national holiday, Cinco de Mayo, conveying to them our sincere expression of warm friendship and good will; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to His Excellency Adolfo Ruiz Cortines, the President of the Republic of Mexico.

CHAPTER 224

Assembly Concurrent Resolution No. 166—Commending Miss Vivian Willits.

[Filed with Secretary of State, May 27, 1957.]

WHEREAS, The attention of the Legislature has been drawn to the accomplishments in recent years of Miss Vivian Willits, one of California's most outstanding newspaperwomen; and

WHEREAS, Miss Willits at present is the highly competent editor of the Women's Page of the Inglewood Daily News, Inglewood, California; and

WHEREAS, In the few years since 1950 she has achieved considerable renown in the field of journalism by winning two

first awards of the National Association of Press Women, and six first awards of the California Chapter of that organization for her exceptional work in various phases of newspaper reporting; and

WHEREAS, Miss Willits' ability and journalistic talent were accorded unique recognition two years ago when 17 women's clubs in the City of Inglewood joined to present her with a watch as a token of their esteem; and

WHEREAS, She has been further honored by her election as President of the California Association of Press Women in 1953 and 1954, and her subsequent election as National Regional Director for California, Nevada and Hawaii of the National Federation of Press Women; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby commend Vivian Willits for her meritorious achievements in her chosen profession, and extend to her their sincere wishes for her continued success; and be it further

Resolved, That the members also congratulate Edwin W. Dean, Publisher, Inglewood Daily News, for having on his staff such a capable editor as Miss Vivian Willits; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Miss Vivian Willits, Mr. Edwin W. Dean, and the author of this resolution.

CHAPTER 225

Assembly Concurrent Resolution No. 167—Relative to the retirement of Dr. J. Paul Leonard.

[Filed with Secretary of State, May 27, 1957.]

WHEREAS, The California Legislature has learned that Dr. J. Paul Leonard, California's distinguished educator and author, is retiring after 12 years as President of San Francisco State College; and

WHEREAS, Under Dr. Leonard's skilled direction San Francisco State College has grown from a small teacher training institution to become one of the Nation's eminent institutions of higher education, offering courses and programs in many fields extending through the master's degree level; and

WHEREAS, Dr. Leonard has been an active proponent of numerous projects relating to public education, and in particular, to the improvement and extension of higher education in California; and

WHEREAS, His exceptional ability and leadership have been accorded national recognition through his appointment to membership on various committees and commissions, and he has been the recipient of high honors bestowed upon him by

leading American professional associations and universities; and

WHEREAS, During his tenure as President of San Francisco State College, Dr. Leonard has pioneered many innovations in general and teacher education, and at present is guiding one of the Country's foremost experiments in educational television; and

WHEREAS, Dr. Leonard, a leader in San Francisco's civic affairs, has been a member of the Board of Directors of the World Affairs Council of Northern California, serving it, in the words of President Russell G. Smith, "with steadfast support at every juncture in its 10-year history"; and

WHEREAS, Dr. Leonard is now leaving San Francisco State College to accept a position as president of the world-renowned American University at Beirut, Lebanon; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their grateful appreciation to Dr. J. Paul Leonard for the many outstanding contributions which he has made as President of San Francisco State College, and extend to President and Mrs. Leonard sincere wishes for success and happiness in their new home; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Dr. and Mrs. J. Paul Leonard.

CHAPTER 226

Assembly Concurrent Resolution No. 170—Relative to the passing of Hugh H. Smith.

[Filed with Secretary of State, May 27, 1957]

WHEREAS, The Legislature of the State of California has learned with sorrow of the passing of Hugh H. Smith, pioneer former Mayor of Daly City, and member and chairman of the San Mateo County Board of Supervisors; and

WHEREAS, Hugh H. Smith was born in Quebec, Canada, and was brought to California by his family in 1883, following which he spent the remainder of his very active life a resident of this State; and

WHEREAS, For more than half a century he engaged in a variety of commercial pursuits including the organization of teamster and lumber and fuel companies in San Francisco, where he saw and survived the earthquake and fire in 1906, the ownership and operation of ranching enterprises, a radio station, the Mission Bell Motel in Daly City, once considered the largest motel in the United States, and real estate building and development; and

WHEREAS, Hugh H. Smith was active in the governmental affairs of his community and was instrumental in bringing

about the incorporation of Daly City, was Mayor of Daly City from 1918 to 1936, was a member of the board of supervisors of San Mateo County and served as Board Chairman from 1936 to 1940, served on the San Mateo County Social Service Commission, the county planning commission, was president of the Peninsula Division of the League of California Cities, and chairman of the campaign to widen El Camino Real on the Peninsula; and

WHEREAS, Hugh H. Smith leaves behind to grieve his untimely passing to the greater reward his loving wife, Annie Smith, two sons, Hugh Smith, Jr., and George Smith, three daughters, Mrs. Evelyn Purser, Miss Edna Smith, and Mrs. Irene Pastorino, a brother, Fred Smith, a sister, Louise Barnard, five grandchildren, and a multitude of friends; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express their profound regret and sorrow at the passing of Hugh H. Smith, and extend their deepest sympathies to his widow and the members of his family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare suitable copies of this resolution to be sent to Mrs. Annie Smith, Hugh Smith, Jr., George Smith, Mrs. Evelyn Purser, Miss Edna Smith, Mrs. Irene Pastorino, Fred Smith, and Louise Barnard.

CHAPTER 227

Assembly Concurrent Resolution No. 160—Re commending Mr. Basil O'Connor.

[Filed with Secretary of State, May 27, 1957.]

WHEREAS, The Salk vaccine has proved an effective agent in the control of paralytic poliomyelitis and may eliminate this disease as a major health problem; and

WHEREAS, Development of the Salk vaccine was made possible by the American public through its support of the National Foundation for Infantile Paralysis; and

WHEREAS, Outstanding leadership in marshaling the forces of the public and of science for an intensive 20-year fight against poliomyelitis has been provided by Mr. Basil O'Connor, president of the National Foundation for Infantile Paralysis; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature does hereby commend Mr. Basil O'Connor for his selfless devotion and significant contribution to the health and well-being of our people; and further, for demonstrating the way in which the Nation's scientists may work objectively with the public in the fight against disease; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mr. Dan Marovich, Pacific Coast Representative of the National Foundation for Infantile Paralysis.

CHAPTER 228

Assembly Concurrent Resolution No. 168—Relative to major league baseball in California.

[Filed with Secretary of State, May 27, 1957.]

WHEREAS, The State of California has long been noted for its enthusiastic support and participation in the traditional game of baseball; and

WHEREAS, Such enthusiasm has been amply manifested by the maintenance and support of the Pacific Coast League, the California State League, the Sunset League and superior collegiate and high school baseball teams; and

WHEREAS, California has produced innumerable all-time baseball greats, including the DiMaggio brothers, Ted Williams, Duke Snider, Don Larsen, Gil McDougald, Jackie Jensen and Bill Martin; and

WHEREAS, The Cities of Los Angeles and San Francisco have presented sound and economically attractive programs to support major league teams in their respective cities; and

WHEREAS, Such cities are the centers of large population areas, sufficient to support major league teams; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby requests and strongly urges the Pacific Coast Baseball League and the commissioner of baseball to take such steps as are necessary to bring major league baseball to California within the near future; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the commissioner of baseball and the President of the Pacific Coast Baseball League.

CHAPTER 229

Assembly Concurrent Resolution No. 169—Relative to congratulating Mrs. George P. Abel.

[Filed with Secretary of State, May 27, 1957]

WHEREAS, Members of this Legislature have learned that on May 7, 1957, Mrs. George P. Abel of San Diego and Lincoln, Nebraska, was named American Mother of 1957; and

WHEREAS, Mrs Abel richly deserves the honor bestowed upon her for she has continuously given of her time and effort

to community enterprises in addition to maintaining a home and raising a family of five; and

WHEREAS, This gracious and charming woman has done much to awaken the public to the danger of juvenile delinquency and has been active in developing methods of its prevention; and

WHEREAS, She is a member of the Zlac Rowing Club, the Cuyamaca Club, Kona Kai Club, and the La Jolla Beach and Tennis Club, and is the past president of the Loma Portal Grammar School P. T. A. and the American Association of University Women; and

WHEREAS, For many years this outstanding citizen has been interested in politics and served in the Congress of the United States as a Senator from Nebraska; and

WHEREAS, Mrs. Abel was also named Nebraska's Mother of the Year; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature extend its congratulations to Mrs. George P. Abel on being named American Mother of 1957, and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit suitable copies of this resolution to Mrs. George P. Abel.

CHAPTER 230

Assembly Concurrent Resolution No. 182—Relative to reports of conference committees.

[Filed with Secretary of State, May 28, 1957.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule 29 of the Joint Rules of the Senate and Assembly for the 1957 Regular Session (A. C. R. No. 25), be amended to read:

29. The report of the committee on conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than two of the Senate Members and two of the Assembly Members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill.

The report of a conference committee shall be in writing, and a copy of any amendments proposed in the report shall be placed on the desk of each member of the house before it is acted upon by the house.

CHAPTER 231

Senate Joint Resolution No. 27—Relative to issuance of a centennial stamp in commemoration of discovery of the Comstock Lode.

[Filed with Secretary of State, May 28, 1957.]

WHEREAS, On January 28, 1859, diggings were commenced in the vicinity of Gold Hill, Nevada, and shortly thereafter Henry T. P. Comstock claimed the Ophir Discovery, which subsequently made Virginia City, Nevada, the richest and most celebrated gold and silver mining community of all time; and

WHEREAS, The Comstock was the first silver mining camp in the United States, and its discovery brought multitudes of Americans from the East to the silver slopes of Nevada; and

WHEREAS, The golden memories and unforgettable history of the Comstock are deemed by the Legislature of the State of California to be of sufficient importance to warrant commemoration by every means and consequently should be recognized in the year 1959 by the issuance of a silver centennial commemorative stamp by the Government of the United States; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Postmaster General and the Congress of the United States to take whatever action is necessary to the end that a commemorative postage stamp recording this great and historical event shall be issued during the year 1959; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 232

Senate Concurrent Resolution No. 95—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization, and the Members of the Senate and Assembly.

[Filed with Secretary of State, May 28, 1957.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the State for a longer period than 60 days during their terms of office are hereby granted to His Excellency Goodwin J. Knight, Governor of the State of California; the Honorable

Harold J. Powers, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Edmund G. Brown, Attorney General; to Robert C. Kirkwood, Controller; to A. Ronald Button, Treasurer; to Roy E. Simpson, Superintendent of Public Instruction; to George R. Reilly, James H. Quinn, Paul R. Leake, and Robert McDavid, members of the Board of Equalization; and to the following Members of the Senate and the Assembly:

Senators F. Presley Abshire, Stanley Arnold, John William (Bill) Beard, Swift Berry, Arthur H. Breed, Jr., Charles Brown, Hugh M. Burns, James E. (Jim) Busch, Paul L. Byrne, Carl L. Christensen, James A. Cobey, Randolph Collier, Nathan F. Coombs, James E. Cunningham, Sr., Earl D. Desmond, Nelson S. Dilworth, Richard J. Dolwig, Hugh P. Donnelly, Jess R. Dorsey, A. A. Erhart, Fred S. Farr, Luther E. Gibson, Donald L. Grunsky, John J. Hollister, Jr., Ed. C. Johnson, Harold T. Johnson, Fred H. Kraft, James J. McBride, John F. McCarthy, Robert I. McCarthy, George Miller, Jr., Robert I. Montgomery, John A. Murdy, Jr., Edwin J. Regan, Richard Richards, Alan Short, Louis G. Sutton, Stephen P. Teale, John F. Thompson, J. Howard Williams; Assemblymen Bruce F. Allen, Don A. Allen, Sr., L. M. Backstrand, Jack A. Beaver, Carlos Bee, Frank P. Belotti, William Biddick, Jr., Frank G. Bonelli, Clark L. Bradley, Carl A. Britschgi, Ralph M. Brown, Montivel A. Burke, Phillip Burton, John A. Busterud, Thomas W. Caldecott, Charles Edward Chapel, John L. E. Collier, Charles J. Conrad, Glenn E. Coolidge, George G. Crawford, Robert W. Crown, Rex M. Cunningham, Walter I. Dahl, Pauline L. Davis, Clayton A. Dills, Dorothy M. Donahoe, Donald D. Doyle, Thomas J. Doyle, Edward E. Elliott, Thomas M. Erwin, Louis Francis, Myron H. Frew, Edward M. Gaffney, Ernest R. Geddes, Samuel R. Geddes, William S. Grant, Richard T. Hanna, William W. Hansen, Augustus F. Hawkins, Sheridan N. Hegland, Wallace D. Henderson, James L. Holmes, Leverette D. House, Seth J. Johnson, H. W. Kelly, Vernon Kilpatrick, Herbert R. Klocksiem, Frank Lanterman, Harold K. Levering, L. H. Lincoln, Francis C. Lindsay, Lloyd W Lowrey, Frank Luckel, Thomas J. MacBride, William F. Marsh, S. C. Masterson, Richard H. McCollister, Patrick D. McGee, Lester A. McMillan, Charles W. Meyers, Allen Miller, William A. Munnell, Roy J. Nielsen, Eugene G. Nisbet, John A. O'Connell, Alan G. Pattee, Carley V. Porter, Thomas M. Rees, William Byron Rumford, Jack Schrade, Harold T. Sedgwick, Joseph C. Shell, A. I. Stewart, Bruce Sumner, Howard J. Thelin, Vincent Thomas, Jesse M. Unruh, Caspar W. Weinberger, Charles H. Wilson, Gordon H. Winton, Jr.

The leaves of absence granted by this resolution are also granted to the successors of any of the above named officers during their terms of office as such successors.

CHAPTER 233

Senate Concurrent Resolution No. 127—Relative to the death of Philip H. Mayer, Executive Secretary of the California State-wide YMCA Committee on Youth and Government.

[Filed with Secretary of State, May 28, 1957.]

WHEREAS, The Members of the Legislature have noted, with profound regret, the recent passing of Philip H. Mayer, of Glendale; and

WHEREAS, The YMCA Model Legislature, which completed its ninth annual session at the State Capitol Building in Sacramento on February 23, 1957, has won the admiration of the Members of the Legislature, many of whom have devoted long hours of their time to assisting and encouraging high school young people to participate in its proceedings; and

WHEREAS, The administration of this worthwhile program in California has been the responsibility since July, 1953, of Philip H. Mayer, as associate area program secretary of the Pacific Southwest Area Council of YMCAs, in addition to his other similar responsibilities in other states; and

WHEREAS, Through his efforts hundreds of high school age young people have had the opportunity to study state government, to meet and conduct their own "Model Legislature," and to promote the American ideal of democratic government; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature express their admiration for the splendid example which Philip H. Mayer set in devoting his life to fostering the spirit of good citizenship in the youth of today, and desire to express their sincere sorrow at his passing; and be it further

Resolved, That the Members of the Legislature extend their deepest sympathy to the members of his family in the loss of this fine young leader of youth; and be it further

Resolved, That the Secretary of the Senate send suitably prepared copies of this resolution to his wife, Mrs. Philip H. Mayer, of 3416 Downing Avenue, Glendale, and to Mr. George E. Bottomley, Area Executive, Pacific Southwest Area Council of YMCAs, 715 S. Hope Street, Los Angeles.

CHAPTER 234

Assembly Concurrent Resolution No. 157—Relative to the establishment of a legislative reference library in the State Capitol.

[Filed with Secretary of State, May 28, 1957.]

WHEREAS, The availability of necessary factual information and research assistance is vital to the legislative process, and

such information and assistance should be readily available and accessible; and

WHEREAS, This result can be accomplished by the establishment in the State Capitol in close proximity to the Legislature of a reference library for the Members of the Legislature, their employees, and the Officers of the Legislature; and

WHEREAS, The California State Library is presently best equipped and designed, with some modifications of its program, to furnish such service, and it is consistent with its functions and purposes to do so; and

WHEREAS, Dr. Edward F. Staniford, of the University of California Bureau of Public Administration, recently stated in speaking of the California State Library as a legislative service: "Additional staff and a branch office in the State Capitol would go far in enabling the State Library to set up a more effective legislative service"; and

WHEREAS, General and governmental tools which should be available to the Legislature include an encyclopedia, the Congressional Record, the World Almanac, Book of the States, Municipal Yearbook, Webster's Geographical Dictionary, California State Publications, administrative agency reports, interim and special committee reports, and selected legislative reports from other states; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Senate and Assembly Committees on Rules, acting jointly, are hereby authorized and directed to study and, if found feasible, to provide for and establish a Capitol Legislative Reference Library in the Capitol Building for the exclusive use of Members of the Legislature, their employees, and the Officers of the Legislature, to be staffed and operated by the California State Library, and to provide such library with the necessary furnishings, equipment, and documents; and be it further

Resolved, That the Capitol Legislative Reference Library shall be ready for use on or before the first day of the 1958 Regular Session of the Legislature or as soon thereafter as practicable.

CHAPTER 235

Senate Joint Resolution No. 25—Relative to the establishment of a domestic minerals program to stimulate the mining and production of strategic minerals and metals in the interests of national defense.

[Filed with Secretary of State, May 29, 1957.]

WHEREAS, The threat posed to the security of the United States by the unsettled conditions abroad is such that it is imperative that the Nation, in maintaining and expanding its programs directed toward national preparedness and defense, ensure the proper development of its mineral and metal re-

sources to the end that adequate supplies of critical metals and materials essential to the production of modern military weapons and facilities be available; and

WHEREAS, The development and stimulation of the mining industry in California as well as throughout the entire Nation in the production of such critical metals and materials as antimony, asbestos, beryllium, chromite, cobalt, columbium-tantalum, fluorspar, iron, lead, manganese, mica, molybdenum, nickel, titanium, tungsten, vanadium, uranium, and zinc, all of which are of critical importance in maintenance of the military establishment, can best be achieved by legislation at the national level; and

WHEREAS, Proposed legislation introduced and pending before the Congress of the United States would, if enacted, provide a basis for the establishment of a long-range national domestic minerals program; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to effect a long-range program for the development of domestic metals and minerals; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitable copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

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CHAPTER 236

Senate Joint Resolution No. 13—Relative to the study, design and construction of the Park's Bar Dam on the Yuba River.

[Filed with Secretary of State, May 29, 1957]

WHEREAS, There have been frequent floods on the Feather River and the Yuba River in the State of California which have caused great loss of life and wide destruction of property and river control works; and

WHEREAS, During the great flood of December, 1955, damage of seventy-five million dollars ($75,000,000) occurred, much of which was attributable to damage caused by the waters of the Yuba River; and

WHEREAS, The report of the State Water Resources Board indicates that a flood control dam and reservoirs situated on the Yuba River at Park's Bar in Yuba County, costing approximately twenty-one million dollars ($21,000,000), will provide approximately 200,000 acre-feet of active storage, which will substantially reduce the flow of such flood waters at Marysville and Yuba City; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of Cali-

fornia respectfully memorializes the President and the Congress of the United States to direct the United States Army Corps of Engineers to take such steps as may be necessary to insure the construction of the Park's Bar Dam or dams at suitable alternative sites on the Yuba River at the earliest possible date in order to prevent further loss of life and destruction of property; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 237

Senate Concurrent Resolution No. 61—Relative to the Yacht and Ship Brokers Commission.

[Filed with Secretary of State, May 29, 1957]

WHEREAS, Section 8919 of the Business and Professions Code provides that the principal office of the Yacht and Ship Brokers Commissioner shall be in Sacramento; and

WHEREAS, The office of the commissioner is not in Sacramento nor has it been in Sacramento since the operative date of the act creating the Yacht and Ship Brokers Commission; and

WHEREAS, Only routine accounting functions are performed by the personnel of the Department of Professional and Vocational Standards in Sacramento for this commission; and

WHEREAS, It is necessary for the proper functioning of the Department of Professional and Vocational Standards that the principal office of the agencies comprising the department be located in Sacramento; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the Governor, the Director of the Department of Professional and Vocational Standards, and the Yacht and Ship Brokers Commission are requested by the Legislature to comply with the legislative directive as contained in Section 8919 of the Business and Professions Code; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Governor, the Director of the Department of Professional and Vocational Standards, the Yacht and Ship Brokers Commission and the State Controller.

CHAPTER 238

Senate Concurrent Resolution No. 84—Relative to a program of basic research and field studies dealing with all phases of mining and the mineral industries.

[Filed with Secretary of State, May 29, 1957]

WHEREAS, Mining and the mineral industries constitute a major factor in the economy of California and the western area of the United States generally; and

WHEREAS, Recent conferences, and particularly the Western Governors' Mining Advisory Council held at Sacramento in November, 1955, have emphasized the need for appropriate research and field studies on all phases of mining and the mineral industries for the proper development and utilization of our mineral resources; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Natural Resources and the University of California are requested to prepare a program and recommendations jointly for presentation to the Legislature at the convening of its 1958 Session, on needed basic research and field studies regarding minerals and the mineral industries, particularly on exploration, mining, production, benefaction, and utilization of minerals, ores, and metals; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the State Department of Natural Resources and the Regents of the University of California.

CHAPTER 239

Senate Concurrent Resolution No. 91—Relative to designating California Sign Route 1 as the Shoreline Highway.

[Filed with Secretary of State, May 29, 1957]

WHEREAS, California Sign Route 1 traversing the Counties of Humboldt, Mendocino, Sonoma and Marin, and also the Golden Gate Bridge and the City and County of San Francisco, is known as "The Shoreline Highway", and

WHEREAS, Those counties adopted the name "Shoreline Highway" for Sign Route 1 over a quarter of a century ago and since that time, through the Redwood Empire Association, an official nonprofit organization serving such counties, have expended funds to nationally publicize and advertise the Shoreline Highway and the counties it serves; and

WHEREAS, This publicizing of the Shoreline Highway and other attractions in the nine Redwood Empire counties, which in addition to the above-mentioned counties includes Napa, Lake and Del Norte Counties in California, and Josephine

County, Oregon, has been and is benefiting all parts of California; and

WHEREAS, Motorists thus attracted from other states to California spend substantial sums in the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Sign Route 1 between and including San Francisco and Ferndale and Fernbridge in Humboldt County is hereby designated the "Shoreline Highway" and the Department of Public Works is requested to use this designation on appropriate signs placed at intervals along said highway; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Director of Public Works; to each of the Boards of Supervisors of the Counties of Del Norte, Humboldt, Mendocino, Sonoma, Marin, Napa and Lake and the City and County of San Francisco; to the Board of Directors Golden Gate Bridge and Highway District; to the Redwood Empire Association and to its affiliate, the Shoreline Highway Association, both in San Francisco

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CHAPTER 240

Senate Concurrent Resolution No. 107—Relative to location of State Highway Route 212.

[Filed with Secretary of State, May 29, 1957.]

WHEREAS, In 1947 the Legislature added Route 212 to the State Highway System and provided that "Route 212 is from the Nevada-California state line in the southern portion of Pahrump Valley to Route 23, near Freeman"; and

WHEREAS, Although that route has been a part of the State Highway System for 10 years and a suitable highway traversing that route is one of the most urgently needed projects in the system, construction of a highway from the vicinity of Westend in San Bernardino County to the vicinity of Jubilee Pass in Inyo County, near the eastern boundary of the Death Valley National Monument, has not yet been undertaken; and

WHEREAS, The tentative location of the highway to be constructed on this route traverses lands utilized by the United States Navy as a gunnery range, and the Department of the Navy will not permit the construction of highways through those lands, and this obstacle to construction on the proposed location will postpone indefinitely completion of the route; and

WHEREAS, An alternative location to that proposed is available and will not entail any appreciable increase in the length of highways which must be constructed to complete State Highway Route 212; and

WHEREAS, This location of the highway lies to the immediate north of the Mojave Gunnery Range utilized by the United States Navy, rather than traversing the range as does the presently proposed location, and it is favored by the military authorities; and

WHEREAS, Numerous citizens, civic organizations and business leaders favor the adoption of the alternative location; among such organizations are the Bakersfield Chamber of Commerce, the Las Vegas Chamber of Commerce, and the Cross Country Highway Association; and

WHEREAS, Immediate selection of an alternative location is essential to accommodation of traffic that would normally pass through the southern portion of the Death Valley National Monument; completion of the highway on the alternative location would be of great benefit to the numerous military installations in the vicinity; and the route, if completed on the alternative location, would provide one of the shortest routes between the Nevada state line and the coast in this area of the State; and

WHEREAS, There is every indication that the alternative location is entirely feasible and is not less desirable than the proposed location which has become impossible of use; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works be hereby requested to begin a study and survey relative to locating the highway necessary to complete the mentioned portion of State Highway Route 212 to the immediate north of, and parallel to, the Inyo-San Bernardino County boundary and beginning in the vicinity of Valley Wells, following Goler Valley, and intersecting the presently proposed location of Route 212 in the Death Valley National Monument; and be it further

Resolved, That the Department of Public Works shall report the results of its study to the Legislature at its regular session in 1958; and be it further

Resolved, That the Secretary of the Senate be hereby instructed to transmit copies of this resolution to the Director of Public Works.

CHAPTER 241

Senate Concurrent Resolution No. 116—Commending the County of Los Angeles for undertaking basic research in the development of electronic vote-tallying equipment.

[Filed with Secretary of State, May 29, 1957]

WHEREAS, California's constantly increasing population requires that new and more efficient methods be developed for the conduct of both state and local elections; and

WHEREAS, The County of Los Angeles has requested bids for the performance of the necessary research to develop an elec-

tronic vote-tallying device, and that 17 bids have been received from outstanding electronic and electo-data research organizations throughout the United States; and

WHEREAS, The development of an electronic vote-tallying device will make possible the central tallying of ballots and with appropriate legislative safeguards will substantially reduce the work load of precinct boards and increase the accuracy of election returns and the speed with which they can be ascertained; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature recognizes the advantages to be gained from the application of recent advances made in the electronic data processing field to the election process and hereby commends the County of Los Angeles for undertaking basic research work in this important field and urges it to continue with its proposed research program; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Board of Supervisors of the County of Los Angeles and to Ben Hite, Registrar of Voters, County of Los Angeles.

CHAPTER 242

Senate Joint Resolution No. 22—Relative to the interest rate on veterans' home loans.

[Filed with Secretary of State, May 31, 1957.]

WHEREAS, There are presently being considered before the Congress of the United States proposals which would, if adopted, result in an increase in the interest rate on veterans' home loans from 4½ percent to 5 percent; and

WHEREAS, Such an increase in the interest rate could well place a new home out of the reach of veterans with an average income; and

WHEREAS, It would, unquestionably, accelerate the present decline in the building industry and, with the resultant increase in unemployment, could conceivably prove disastrous to the national economy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States, in the interests of both the veterans and the Nation as a whole, to reject all proposals to increase the interest rate on veterans' home loans; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 243

Assembly Joint Resolution No 36—Relative to changing the method of computing the basic pay for members of the armed forces.

[Filed with Secretary of State, May 31, 1957.]

WHEREAS, There is now pending before the Congress of the United States legislation, including S. 2014 and H. R. 7574, which would change the method of computing the basic pay for members of the armed forces; and

WHEREAS, The military establishment is desperately in need of a means for attracting and retaining persons with scientific, professional, combat leadership, and management skills necessary to maintain a deterrent power during these times of advancing technology and threat of aggression; and

WHEREAS, The armed forces do not presently have the means to enter into competition for trained personnel urgently needed for the defense of this Country, and a significant factor in their inability to do so is the inadequacy of the present compensation practices now in use; and

WHEREAS, The proposed changes in the military pay structure are based on merit rather than longevity, will bring military pay more in line with the pay standards of industry, will offer first termers greater re-enlistment incentive, and will relate pay more closely to the actual contribution of the individual in the service; and

WHLREAS, The change in pay structure, such as that proposed in S. 2014 and H. R. 7574, has the support of the Strategic Air Command and the 15th Air Force, as well as many other military leaders and organizations; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to take favorable action to revise the existing pay structure now in use in the armed forces along the lines proposed in S. 2014 and H. R. 7574; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from this State in the Congress of the United States.

CHAPTER 244

Assembly Concurrent Resolution No. 180—Approving the charter amendments to the Charter of the City of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of May, 1957.

[Filed with Secretary of State, June 3, 1957]

City of Compton. Charter amendments

WHEREAS, The City of Compton, in the County of Los Angeles, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1948, and now is organized and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the third day of December, 1947, and approved by the Legislature of the State of California (Statutes 1948, page 236), and by resolution of said Legislature filed with the Secretary of State of the State of California, the eleventh day of March, 1948 (Statutes 1948, page 236); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Compton, as set out in the certificate of the mayor and the city clerk of said City of Compton, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF COMPTON AT AN ELECTION HELD ON THE 7TH DAY OF MAY, ONE THOUSAND NINE HUNDRED AND FIFTY-SEVEN, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF COMPTON

Certificate

We, Delwin M. Clawson, Mayor of the City of Compton, and Mrs. Clyde J. Harlan, City Clerk of the City of Compton, do hereby certify as follows:

That said City of Compton, in the County of Los Angeles, State of California, is now and was at all the times hereinmentioned, a City containing more than Thirty-five Hundred inhabitants and with more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Compton is now and was at all the times hereinmentioned organized and existing under a Charter, adopted under the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special municipal election held therein on the

3rd day of December, 1947, and approved by the Legislature of the State of California (Statutes of 1948, page 236), and by resolution of said Legislature filed with the Secretary of State of the State of California, on the 11th day of March, 1948, (Statutes 1948, page 236); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of the said City, did on its own motion and pursuant to the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Compton certain amendments to the Charter of said City; and ordered that said amendments be submitted to said electors of said City at the Primary Nominating Election to be held in said City on the 7th day of May, 1957; and

That said proposed amendments were, on the 17th day of March, 1957 duly published in the "Compton Herald American and The Compton Herald", a newspaper of general circulation, published in the City of Compton, and the official newspaper of said City, and the newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Ordinance, designated as Ordinance No. 1063, which was duly adopted on the 19th day of March, 1957, provide for the submission to the electors of said City of the charter amendments at the City Primary Nominating Election on May 7, 1957, which date was more than forty (40) and less than sixty (60) days after the completion of the publication of said proposed amendment to the Charter of the City of Compton, as aforesaid; and

That said primary nominating election was held in said City on said 7th day of May, 1957, which date was more than forty (40) and less than sixty (60) days after said proposed amendments to said charter had been published in said "The Compton Herald American and The Compton Herald", as aforesaid; and

That at said primary nominating election held as aforesaid, on said 7th day of May, 1957, a majority of the voters voted in favor of said proposed amendments to the Charter of the City of Compton, and duly ratified the same; and

That the City Council of the City of Compton after duly canvassing the returns of said primary nominating election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendments to the Charter of the City of Compton, which amendments are in words and figures as follows, to wit:

CHARTER AMENDMENT No 1:

"Section 500. Enumeration of and Term The elective officers of the City shall consist of: Elective officers

A City Council composed of five (5) members, four to be residents of their respective districts and nominated and elected from the City at large, the fifth to be both nominated and elected from the City at large and to be known as the Mayor;

A Board of Education composed of five (5) members;

A City Clerk;

A City Treasurer; and

A City Attorney.

All of the elective officers, with the exception of the members of the Board of Education, shall serve for a term of four years. The terms of office of the present members of the City Council residing in Districts two and three, and the terms of the office of Mayor, City Clerk, City Treasurer and City Attorney, shall expire in the year 1957. The terms of office of present members of the City Council residing in Districts one and four shall expire in the year 1959.

The terms of all elective officers other than members of the Board of Education shall commence on July first following their election and each shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots."

CHARTER AMENDMENT No. 2:

Compensation of officers

"Section 504. Compensation of Members of the City Council The members of the City Council shall receive reimbursement for necessary travelling and other expenses when on official duty out of the City on order of the City Council, and, in addition, shall receive the sum of One Hundred and Fifty ($150.00) Dollars per month as salary; except that the Councilman known as Mayor shall receive Two Hundred ($200.00) Dollars per month as salary. Absence of a Councilman from all regular and special meetings of the Council during any calendar month shall render such councilman ineligible to receive such sum for such calendar month.

Other Elective Officers. The other elective officers, excepting the members of the Board of Education, shall severally receive at stated times a compensation for their respective capacities to be fixed by ordinance adopted by the City Council, which compensation for such services shall not be increased or diminished as to any such officer after his election or appointment and during his term of office, nor within thirty days prior to the date when nomination papers for the position may be filed."

CHARTER AMENDMENT No. 3:

Vacancies

"Section 505. Vacancies. A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general school district election, as

to a member of the Board of Education, and the next general municipal election, as to any other elective officer, and until his successor is elected and qualified. At the next general school district or general municipal election following any vacancies, such vacancies shall be filled by election and the person elected shall serve for the remainder of any unexpired term, and until his successor is elected and qualified.

If a member of the City Council or Board of Education absents himself from all regular meetings of his Council or Board for a period of sixty days consecutively from and after the last regular meeting attended by such member, unless by permission of the body expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a bona fide resident of the City or district from which he resided at the time of his nomination in the case of a Councilman, or otherwise ceases to be eligible, his office shall become vacant and shall be so declared by the City Council, or Board of Education, respectively.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy."

CHARTER AMENDMENT NO. 4:

"Section 607. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance it shall be read in full, unless, after reading of title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by unanimous consent of the councilmen present. At the time of adoption of a resolution it need be read in full only if, after reading of title thereof, the further reading thereof is requested. In the event any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. Ordinances and resolutions

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by other provisions of this Charter the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money."

CHARTER AMENDMENT No. 5:

Planning Commission' Compensation

"Section 1005. Compensation. Vacancies. That the members of the Planning Commission shall be paid Seventy-five ($75.00) Dollars per month. That the members of the Personnel Board and the Recreation and Parks Commission shall be paid ten dollars ($10 00) for each meeting attended but not exceeding one (1) meeting in each month

Vacancies

Any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council If a member of a board or commission absents himself from all regular meetings of such board or commission for a period of sixty (60) days, consecutively (from and after the last regular meeting of such board or commission attended by such member), unless by permission of the City Council, expressed in its official minutes, or is convicted of a crime involving moral turpitude or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council."

CHARTER AMENDMENT No. 6:

Civil service

"Section 1101. Classified Service. The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

Unclassified service

(A) The Unclassified Service shall comprise the following officers and positions:

1. All elective officers;
2. City Manager
3. Assistant City Manager
4. One private secretary to the City Manager,
5. All members of boards and commissions;
6. Positions in any class or grade created for a special or temporary purpose, and which would exist for a period of not longer than ninety days. The Personnel Board, upon application of the appointing officer or board, and after public notice and hearing, by the affirmative votes of four of the members, may exempt any position in any class or grade for a maximum period of six months in any calendar year. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;
7. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
8. Crossing guards; and
9. Part-time employees paid on an hourly or per diem basis.

Classified service

(B) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service."

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Compton, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of the said City of Compton.

IN WITNESS WHEREOF, Delwin M. Clawson, Mayor, as aforesaid, and Mrs. Clyde J. Harlan, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Compton to be thereunto duly affixed on this 15th day of May, 1957.

DELWIN M. CLAWSON
(SEAL) Mayor of the City of Compton
MRS. CLYDE J. HARLAN
City Clerk of the City of Compton.

WHEREAS, Said proposed amendments to the charter of the City of Compton, ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, That said proposed charter amendments of the City of Compton, ratified by the electors of said city as aforesaid, as presented to, adopted and ratified by the qualified electors of said City of Compton, be and the same are hereby approved as a whole, without amendment or alteration, as the amendments to the charter of the City of Compton, and as a part of said charter of the City of Compton. Approval

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CHAPTER 245

Assembly Concurrent Resolution No. 188—Relative to the U. S. S. Enterprise.

[Filed with Secretary of State, June 3, 1957.]

WHEREAS, The City of Stockton is endeavoring to obtain the renowned aircraft carrier "U. S. S. Enterprise" as a permanent shrine to the valor of our fighting men in World War II; and

WHEREAS, The "Enterprise" symbolizes the indomitable courage and valiant spirit that preserved for us our democratic way of life and brought defeat to our attackers; and

WHEREAS, The preservation of this gallant ship, the only carrier to send planes aloft on Pearl Harbor day to repulse the enemy, will be a constant reminder of the eternal vigilance which is the price of freedom; and

WHEREAS, The "Enterprise" is destined to take her honored place in history beside those brave ships of another day, the

"Constitution" and the "Monitor," which so stalwartly fought for liberty and the American principles; and

WHEREAS, It is fitting and proper that this monument to freedom find a permanent resting place in the harbor of the City of Stockton, County of San Joaquin, and the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members hereby commend the public officials of the City of Stockton and the County of San Joaquin for their efforts in seeking to bring the "Enterprise" to Stockton, and express the best wishes and hopes of the Legislature for the success of this undertaking; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to each member of the City Council of Stockton and the Board of Supervisors of San Joaquin County.

CHAPTER 246

Assembly Concurrent Resolution No. 189—Relative to the Hotel Senator.

[Filed with Secretary of State, June 3, 1957.]

WHEREAS, The Members of the Legislature were honored at a reception and buffet dinner given by the management of the Hotel Senator on May 27, 1957; and

WHEREAS, The beautiful decorations, unusual and delicious food, excellent service and delightful music combined to make the occasion particularly memorable; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members wish to thank Henry L. Dienna, manager of the Hotel Senator, Morris Ettin, maître d'hôtel, and Floyd Kast, chef de cuisine, for a most pleasant evening; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to Henry L. Dienna, Morris Ettin, and Floyd Kast.

CHAPTER 247

Assembly Concurrent Resolution No. 193—Relative to the passing of Saul A. Camp.

[Filed with Secretary of State, June 3, 1957.]

WHEREAS, It is with the most profound regret that the Members of the Legislature do hereby mark the passing from this life, on May 29, 1957, of one of California's most distinguished citizens, Saul A. Camp, of Shafter; and

WHEREAS, Saul A. Camp was born in Gaffney, South Carolina, on October 7, 1891, and came to Shafter in the early 1920s, where he remained and became one of Kern County's most noted and beloved citizens; and

WHEREAS, He began as a farm hand and through meritorious effort and good husbandry developed numerous farming and commercial enterprises, including extensive cotton and potato farms, cattle ranches, cotton gins, cotton mills, and the Saul A. Camp Motors of Bakersfield; and

WHEREAS, His farms and industries have contributed significantly to the economy and welfare of Kern County; and

WHEREAS, He was one of America's foremost harness racing enthusiasts, having recently completed a harness racing track and training stables, which are considered to be the finest and most modern of their kind in the United States, and one of his horses, Scott Frost, was the top winning horse in harness racing in the years 1955 and 1956; and

WHEREAS, He was a man of fine and generous character, possessed of a warm and friendly disposition, and loved by a host of friends in a degree meted out to but few men; and

WHEREAS, In 1956 he was selected by the Shafter Chamber of Commerce as the man of the year; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature, by this resolution, pay tribute to the memory of a great Californian, Saul A. Camp, and convey their deepest sympathy to the members of his family in their bereavement; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send suitably prepared copies of this resolution to his widow, Nellie S. Camp, his son, James Y. Camp, and his daughter, Willene Hart.

CHAPTER 248

Assembly Concurrent Resolution No. 178—Congratulating the Citizens Legislative Advisory Commission.

[Filed with Secretary of State, June 3, 1957.]

WHEREAS, The Legislature, by Assembly Concurrent Resolution No. 33 adopted at the 1956 First Extraordinary Session, created the Citizens Legislative Advisory Commission to assist in an investigation of the procedures of the Legislature; and

WHEREAS, The Joint Committee on Legislative Procedure was directed to appoint the members to serve on the advisory commission, selecting persons in such fashion that the interests of various groups throughout the State, including management, labor, women's clubs, the press and the universities, would be represented to the fullest extent possible; and

WHEREAS, The following persons were selected to serve on the Citizens Legislative Advisory Commission: Mr. Max Eddy Utt, Chairman, Dr. Ernest A. Engelbert, Secretary, Mrs. Jack Abrahamson, Dr. George Armacost, Mr. John D. Babbage, Mr. Don Belding, Mr. Earl C. Bolton, Mr. Bartley Cavanaugh, Dr. Winston Crouch, Mr. Thomas J. Cunningham, Mr. T. H. DeLap, Mr. John Despol, Mr. Louis B. Fleming, Mr. Douglas Giddings, Mr. Richard Graves, Mr. Lloyd E. Graybiel, Mrs. Ruth Church Gupta, Mr. James Guthrie, Mr. C. J. Haggerty, Mr. Herbert Hanley, Mr. Joseph C. Houghteling, Mr. Gardiner Johnson, Mr. Henry J. Kaiser, Jr., Mr. Vincent Kennedy, Mr. Dan Kimball, Dr. Mabel E. Kinney, Mr. T. F. Knight, Jr., Mr. Edward D. Landels, Mr. Paul R. Leake, Dr. J. Lafe Ludwig, Mr. Allen F. Mather, Mr. Robert E. McKay, Mr. George McLain, Dr. Julian McPhee, Mr. Thomas Mellon, Mayor Theodore Meriam, Dr. Frank C. Newman, Mr. George J. O'Brien, Mr. John O'Connell, Mr. William Orrick, Jr., Mr. Franklin S. Payne, Mr. Lester A. Price, Mr. Harold Quinton, Mr. Russell Quisenberry, Mr. Charles Randolph, Mr. Fred H. Rohr, Mr. Louis A. Rozzoni, Mrs. Russell Scott, Mr. George Sears, Mr. George Sehlmeyer, Mr. Stanford Shaw, Mr. Louis Slater, Mr. Charles Watt Smith, Mr. Joseph E. Smith, Mr. M. R. Sullivan, Mr. Norman Sutherland, Mr. Ben H. Swig, Mr. Ralph E. Swing, Mr. Frank Thill, Mr. Kenneth L. Thompson, Mr. Samuel D. Thurman, Mr. J. Clifton Toney, Mr. Loran C. Vanderlip, Mr. Todd Watkins, Mr. William Watts, Mr. Carl F. Wente, Mr. Gus J. Winberg, Mrs. Mildred Younger; and

WHEREAS, During the past year, the members of the committee have generously contributed their time and energy without compensation in the interest of assisting the Legislature to develop better methods for handling its ever-increasing volume of business, and to improve the efficiency of the legislative procedures; and

WHEREAS, The State of California is immeasurably indebted to these public-spirited citizens who responded so wholeheartedly to the request for their help, and brought the invaluable knowledge and wisdom of their experience to bear on these urgent problems; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express their sincere appreciation and gratitude to the members of the Citizens Legislative Advisory Committee for their generous assistance in this project; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared and illuminated copy of this resolution to each of the above-named members of the Citizens Legislative Advisory Committee.

CHAPTER 249

Senate Joint Resolution No. 17—Relative to criminal jurisdiction by foreign governments over United States members of armed forces and their civilian components.

[Filed with Secretary of State, June 3, 1957.]

WHEREAS, The members of our armed forces serving abroad, their civilian components and the dependents of each, are now subject to the criminal jurisdiction of more than 50 countries in which they may be on duty, by reason of the NATO Status of Forces Treaty, the administrative agreement with Japan, and executive agreements with other nations; and

WHEREAS, These agreements penalize our servicemen for foreign service by depriving them of many of the rights granted by our Constitution, which they are sworn to defend; and

WHEREAS, It is impossible for any serviceman accused of transgression in a foreign country to receive a fair and impartial trial because of the varying systems of jurisprudence which make it impossible for him to receive the protection of all of the rights and guarantees which our Constitution gives to every citizen, and because of the prejudice and animosity sometimes existing against our men; and

WHEREAS, Legislation has been introduced in both the Senate and the House of Representatives of the United States to direct the President to seek a modification of all such agreements so that the United States may regain exclusive jurisdiction over the members of its armed forces for all purposes, or if such a modification is refused, then to terminate or denounce the agreements according to the terms of each; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the members of this body deplore the arrangements now existing which make service in our armed forces abroad a hazard by depriving our servicemen, their civilian components and dependents of each, of the rights and guarantees of our Constitution when they are stationed in other lands; and be it further

Resolved, That we respectfully urge the Congress of the United States to immediately enact the legislation now pending or similar legislation which will secure a modification or denunciation of the provisions of the NATO Status of Forces Treaty and all other agreements which surrender to foreign nations criminal jurisdiction over our servicemen; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 250

Senate Concurrent Resolution No. 90—Relative to state highways.

[Filed with Secretary of State, June 3, 1957]

WHEREAS, The Legislature of California finds:

(a) The California Highway Commission has operated since 1948 according to a written resolution setting forth its policies in the adoption of highway routes and hearings with respect thereto;

(b) This policy resolution has been revised and, it would appear, improved from time to time, suggesting the need for continued flexibility of procedures;

(c) The currently effective policy resolution of the Highway Commission, dated February 18, 1955, is published in the Senate Daily Journal of April 4, 1957 and in the Assembly Daily Journal of April 5, 1957;

(d) It appears that strict adherence to the policy now in effect affords opportunity for hearings and protections to the public in the matter of route adoptions and freeway locations;

(e) The Federal-Aid Highway Act of 1956 also requires hearings on all federal-aid highway projects passing through or by-passing any city, town, or village, whether incorporated or not, thus reassuring that hearings will be held and certain protections afforded to the public; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That:

1. The California Highway Commission is commended for the written policy resolution on route adoptions which it has developed over recent years;

2. The California Highway Commission is urgently requested to make no change in its policy which would in any way reduce the requirements for public hearings or other protections afforded to the public in the matter of route adoptions and freeway locations;

3. The California Highway Commission is urged, by all means at its disposal, to make more widely known to the public the nature of its policies on route adoptions and to give public notice well in advance of all hearings on freeway problems;

4. The State Highway Engineer is urged to take all necessary steps to assure that every public hearing held by him or by his representatives will be conducted impartially and without prejudice to adverse testimony. To this end consideration should be given to assure that an impartial referee conduct hearings involving major controversy; said hearings to be held in the area in which the project is located;

5. The California Highway Commission is requested to transmit to the Secretary of the Senate and the Chief Clerk of the Assembly at the commencement of each annual session of the

Legislature for publication in the respective journals of the two houses:

(a) Its currently effective policy resolution on route adoptions;

(b) An explanation of any changes made in such policy during the year;

(c) A report on the number of public hearings held by the State Highway Engineer or his representatives during the year, and a resume of the results of the hearings;

(d) A report on the number of public hearings held by the commission on route adoptions and a summary of the results;

(e) Such other information as the commission deems will fully inform the Legislature of progress in route adoptions and freeway locations and the nature and extent of public controversies over the same.

CHAPTER 251

Senate Concurrent Resolution No. 102—Relative to psychiatric technician personnel.

[Filed with Secretary of State, June 4, 1957]

WHEREAS, In 1951 the State of California found it necessary to establish minimum standards of on-the-job training for psychiatric technician personnel in order to raise the level of care and treatment services for mental patients; and

WHEREAS, There are several thousand employees in psychiatric technician classifications in the Department of Mental Hygiene who need to complete the balance of the on-the-job training in order for all employees to be brought up to the minimum standards of prescribed training; and

WHEREAS, The Department of Mental Hygiene has been unable to train many of the employees who were employed prior to 1951 because of the turnover in the psychiatric technician trainee class; and

WHEREAS, It appears inequitable to train new employees and to neglect those who have rendered many years of service to the State of California; and

WHEREAS, Those persons employed prior to 1951 desire to be equally trained and such training is mutually advantageous to the patient, the public, and the state mental health program; and

WHEREAS, The California State Employees' Association has established by poll of all employees in the psychiatric technician series of classes, that they want training and they desire the State Legislature to assist them in this regard; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Mental Hygiene and the Department of Finance, with the cooperation of the California State Employees' Association, study short

and long-term training needs for psychiatric technician personnel and recommend to the next session of the Legislature a program to meet the immediate and further needs of the State for training employees and the improvement of the mental hygiene care and treatment program, and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Mental Hygiene and the Department of Finance.

CHAPTER 252

Senate Concurrent Resolution No. 112—Relative to the proclamation of Senior Citizens Day in the State of California.

[Filed with Secretary of State, June 4, 1957.]

WHEREAS, The State of California is recognized among all the states of the Union as the golden state for the retirement of those persons who reach the golden age; and

WHEREAS, Though old in years, persons who have reached the zenith of life have gained wisdom and knowledge commensurate with their years; and

WHEREAS, The deeds of their youth, when coupled with the knowledge of their age, provides a wisdom of which this State can be justly proud; and

WHEREAS, These citizens have richly contributed their full measure to the welfare and prosperity of the State of California; and

WHEREAS, In consideration of their past and present labors and sacrifices for the well-being of not only the State but each citizen thereof, it is only fitting that a day be set aside for the recognition of the heritage which they have left and the wisdom yet available; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of California is hereby authorized and requested to proclaim the fourth Sunday of each September as Senior Citizens Day in the State of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to the Governor of the State of California.

CHAPTER 253

Assembly Concurrent Resolution No. 118—Relative to posting boundaries by the Department of Fish and Game.

[Filed with Secretary of State, June 4, 1957.]

WHEREAS, The widely divergent climate and varying topographical features of this State require its classification into

different areas for purposes of both hunting and fishing; and

WHEREAS, The boundaries of these areas, being based on principles of proper fish and game management, often do not correspond with easily discernible landmarks, such as roads, trails, streams, mountain ridges or other familiar guiding lines, and frequently follow the boundary lines of the counties which although they have been so used for many years are still in many places extremely difficult if not impossible for the average hunter or fisherman to follow; and

WHEREAS, The purpose of dividing the State into such areas is not to trap the unwary or penalize sportsmen for honest attempts to conform to the law but who by inadvertence cross artificial unmarked boundary lines; and

WHEREAS, Properly identified boundaries would give the sportsmen the necessary notice of closed and open areas and would greatly aid the law enforcement officers in patrolling such areas; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the commission and the Department of Fish and Game are hereby requested to use easily recognizable geographical, highway, stream or other natural boundaries to designate fish and game districts or areas wherever sportsmen are likely to violate boundaries through mistake; and to use every practical means of informing sportsmen where boundaries are not easily recognizable; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of the Department of Fish and Game.

CHAPTER 254

Assembly Concurrent Resolution No. 121—Relative to official publications of the Amateur Athletic Union.

[Filed with Secretary of State, June 4, 1957.]

WHEREAS, The physical fitness of the youth of America is a matter of the utmost importance not only with respect to the demands imposed upon our young citizens by service in the armed forces of the United States, but as a basic essential to their becoming useful citizens in private life; and

WHEREAS, It has come to the attention of governmental authorities throughout the Country by virtue of the physical examinations required of our youth prior to induction into the armed forces that an alarmingly large proportion are physically unfit for the service required; and

WHEREAS, The lack of adequate physical fitness programs and the facilities and personnel to properly administer them have prompted the President of the United States to establish a Citizens Advisory Committee on the Fitness of American Youth, and a Council on Youth Fitness to advise and assist

in the guiding and coordination of physical fitness programs of local organizations conducted at the local level; and

WHEREAS, The success of physical fitness programs depends primarily upon arousing the interest of young people and educating them concerning the need and desirability of physical fitness; and

WHEREAS, Such education and stimulation of interest can best be accomplished in the public schools of the State; and

WHEREAS, The Amateur Athletic Union is the leading organization in amateur athletics in the United States, and is devoted to the establishment and maintenance of high standards in the conduct of sports programs at the amateur level, and expends every effort to achieve universal participation in such activities by young people; and

WHEREAS, The Amateur Athletic Union publishes monthly the official magazine "Amateur Athlete" devoted exclusively to dissemination of accurate information and data concerning achievements of participants in its programs and officers of the organization, and the education of the public concerning the need for universal participation in such activities; and

WHEREAS, The publication is particularly suitable for young persons of school age and presents an excellent source of authentic information regarding the need for physical fitness and the value of participation in sports activities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members highly commend the magazine "Amateur Athlete," and congratulate the Amateur Athletic Union on the outstanding merits of its official publication which is an effective and persuasive means of encouraging the youth of the State to participate in amateur athletics; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Carl H. Hansen, President of the Amateur Athletic Union, and to Daniel J. Ferris, Editor of the Amateur Athlete, and to transmit printed copies of this resolution to each member of the State Board of Education, and to the Superintendent of Public Instruction, and to each county, district, and city superintendent of schools.

CHAPTER 255

Senate Joint Resolution No. 30—Relative to the federal budget.

[Filed with Secretary of State, June 5, 1957.]

WHEREAS, The proposed peacetime budget of the Federal Government has now reached the unprecedented sum of almost seventy-two billion dollars ($72,000,000,000); and

WHEREAS, Approximately one-third of the income of the Nation is now paid out to the various levels of government in the form of taxes; and

WHEREAS, This volume of taxes and expenditures is imposing an intolerable burden on the working people of the Nation, especially the young people who have no income except what they earn by their toil and sweat; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reduce the proposed federal budget to manageable proportions so that the tremendous tax burden on the citizens may be eased; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 256

Senate Joint Resolution No. 35—Relative to the proclamation of Senior Citizens Day.

[Filed with Secretary of State, June 5, 1957]

WHEREAS, The citizenry of the United States of America is composed in part of persons who have reached the golden age of sagacity, tranquillity, and past memories; and

WHEREAS, Though old in years, persons who have reached the zenith of life have gained wisdom and knowledge commensurate with their years; and

WHEREAS, The deeds of their youth, when coupled with the knowledge of their age, provides a wisdom of which this Country can be justly proud; and

WHEREAS, These citizens have richly contributed their full measure to the welfare and prosperity of the United States through the years; and

WHEREAS, In consideration of their past and present labors and sacrifices for the well-being of not only the State but each citizen thereof, it is only fitting that a day be set aside for the recognition of the heritage which they have left and the wisdom yet available; and

WHEREAS, The Governor of the State of California has been requested to proclaim the fourth Sunday of each September as Senior Citizens Day in the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectively memorializes the President and the Congress of the United States to establish and proclaim the fourth Sun-

day of each September as Senior Citizens Day in the United States; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the chairman of the appropriate committees of the Congress, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 257

Assembly Concurrent Resolution No. 122—Relating to coordination of the building and location of surface transportation facilities with the development and expansion of air transportation facilities.

[Filed with Secretary of State, June 5, 1957.]

WHEREAS, The rapid growth of population in the State and the resulting expansion of areas of dense population have necessitated the construction of freeways, limited access highways, and grade separations and approaches necessary thereto; and

WHEREAS, The building of these freeways and highways in proximity to airports, unless carefully integrated with projected development and expansion of the airport and related activities, has the effect of containing and restricting growth of the air transportation facilities forever; and

WHEREAS, Failure to locate freeways and highways in such manner as to facilitate to the greatest extent possible rapid access to and from airports would be a major obstacle to the further development of air transportation; and

WHEREAS, Integration and coordination of air and surface transportation mediums is one of the most important problems in the field of transportation and commerce and its solution is vital to the public interest; and

WHEREAS, In the placement of freeways and highways, failure to take into account the necessity of furnishing rapid access to and from air facilities and avoiding interference with further development of those facilities can lead only to extensive and expensive readjustments in the foreseeable future; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests and urges the Division of Highways, the California Highway Commission, county boards of supervisors, and legislative bodies of cities, to coordinate the location and improvement of freeways and highways with the management of affected public and private airports, and in selecting locations and types of improvements, to give thorough consideration to the necessity of not preventing or impeding expansion of air transportation

facilities or denying free access to and from those facilities; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Director of Public Works and the State Highway Engineer.

CHAPTER 258

Senate Joint Resolution No. 16—Relative to the extension of the Folsom South Canal within the Counties of Sacramento and San Joaquin, State of California.

[Filed with Secretary of State, June 6, 1957.]

WHEREAS, The expanding economy of Sacramento and San Joaquin Counties requires that supplemental supplies of water be delivered into said counties; and

WHEREAS, Many public agencies of the two counties, including Galt Irrigation District, North San Joaquin Water Conservation District, Stockton East San Joaquin Water Conservation District, Clay Water District, Elk Grove Irrigation District, Woodbridge Water Users Conservation District, Sacramento County Water Agency, and San Joaquin County Flood Control and Water Conservation District, have shown grave concern as to their need for such supplemental water supplies by making applications for water to appropriate state and federal agencies, and otherwise; and

WHEREAS, Said public agencies have an ultimate need for not less than 800,000 acre-feet of supplemental water for use of the lands and the inhabitants thereof within their boundaries; and

WHEREAS, The United States Government has constructed Folsom Dam and Reservoir and Nimbus Dam and Reservoir which can provide needed supplemental supplies in the two counties and the Honorable John J. McFall and the Honorable John E. Moss have introduced bills, H. R. 4580 and H. R. 4584 in the Eighty-fifth Congress, First Session, to authorize construction of the Folsom South Canal to serve the lands of said public agencies; and

WHEREAS, Construction of Nashville Reservoir on the Cosumnes River would augment needed water supplies in the irrigable areas of Sacramento and San Joaquin Counties as well as control damaging flood waters which now waste into San Francisco Bay; and

WHEREAS, The construction and operation of Nashville Reservoir and the operation of said Folsom Dam and Reservoir as a multiple-purpose project to provide said supplemental water supplies to said two counties will be consistent and compatible with its operation for protection against ravaging floods of lands and improvements along the American and Sacramento Rivers and the Sacramento-San Joaquin Delta; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the State of California memorializes the Congress of the United States to enact legislation to authorize the construction and operation of said Folsom-South Canal; and be it further

Resolved, That the State of California urges the United States Department of the Interior to complete as soon as practicable the studies now in progress regarding the proposed Nashville Reservoir; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 259

Senate Joint Resolution No. 34—Relative to release of public lands for homesteading.

[Filed with Secretary of State, June 6, 1957.]

WHEREAS, There are large areas of lands in the Upper Klamath River Basin now withdrawn from public entry which are highly desirable and feasible for farm development under irrigated agriculture; and

WHEREAS, Much of this public land is now held for wildlife purposes, but there is in the basin sufficient lands to serve both the purposes of wildlife and irrigation; and

WHEREAS, It is in the interests of the people of the United States that both such purposes be fulfilled to the greatest extent possible; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Secretary of the Interior to review his requirements for maintaining public lands in the entire Upper Klamath River Basin, and particularly in the Tulelake and Lower Klamath Lake Basins of Modoc and Siskiyou Counties in California, with a view to releasing, as soon as possible, as much of the public lands as are valuable for private farming under irrigation as is possible and consistent with the public interest in wildlife conservation; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the Secretary of the Interior.

CHAPTER 260

Senate Concurrent Resolution No. 119—Relative to congratulating the California State Aerie, Fraternal Order of Eagles, on their fifty-fourth anniversary.

[Filed with Secretary of State, June 6, 1957]

WHEREAS, The fifty-fourth annual convention of the California State Aerie, Fraternal Order of Eagles, under the theme "Over a half century of fraternal and humanitarian service in California" will be held in the City of Fresno during the twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth of June of this year; and

WHEREAS, The State Aerie was organized in San Francisco, August 3, 1903, through the efforts of Mr. James Cheetham of San Francisco who was the first past state president and is still alive and active in the order and Judge C. P. Rendon of Stockton, now deceased, who was elected first state president of the organization; and

WHEREAS, At the first state meeting held in San Francisco only 12 local aeries were represented with approximately 40 delegates in attendance but at the coming convention there will be over 1,500 delegates representing over 225 Eagle Aeries of this State; and

WHEREAS, During the 54-year period this organization has been in existence, it has sponsored and acted in connection with many humanitarian accomplishments such as the Workmen's Compensation Act, Mothers' Pension Act, social security laws, and aid to the needy aged, the first old age pension act referred to by the Eagles as "aid to the needy aged" being established in the State of Montana through the efforts of the Eagles organization in that state; and

WHEREAS, Some of the other humanitarian achievements in which the California State Aerie has participated include construction of a $200,000 dormitory at Father Flanagan's Boys' Town in Nebraska and sponsorship of the Damon Runyon Cancer Fund in this State, and the establishment by this Legislature of residential schools for unfortunate, dependent and homeless boys and girls known as California Academies; and

WHEREAS, The California State Aerie has participated in the establishment of a national memorial foundation fund to assist in the education of children whose fathers lost their lives in World War II or in the Korean conflict, in which fund there is approximately $3,500,000; and

WHEREAS, The Eagles are presently engaged in a statewide safety crusade program and are providing assistance for the blind children whose summer camp near Malibu Beach was destroyed by fire; and

WHEREAS, In addition to the above activities, many projects have been established on the local level for humanitarian and charitable purposes by the local Eagle Aeries; and

WHEREAS, The California State Aerie has compiled over half a century of constructive work and is looking forward to many more years of humanitarian programs, which are of great benefit to the people of the State; and

WHEREAS, The Ladies Auxiliary of the Fraternal Order of Eagles of this State will also be held at the same time and place as the annual convention of the California State Aerie; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature take this opportunity to congratulate the California State Aerie, Fraternal Order of Eagles on its fifty-fourth anniversary and compliment it on the great achievements it has accomplished over the past 54 years; and be it further

Resolved, That the Members of this Legislature extend their best wishes for a successful anniversary convention of the State Aerie and for a successful convention of the ladies' auxiliary; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send a suitably engrossed copy of this resolution to Leonard J. Hooper, for presentation to the officers and members of the convention.

CHAPTER 261

Senate Concurrent Resolution No. 120—Relative to suppression and elimination of Scotch broom.

[Filed with Secretary of State, June 6, 1957.]

WHEREAS, A weed control problem of increasing seriousness is menacing the Sierra foothill country of California because of the spread of Scotch broom (Cytisus scoparius); and

WHEREAS, Scotch broom, although originally imported from Scotland as an ornamental has, due to its prolific reproduction, become a scourge, ruining pastures and choking off seedling growth in reforestation areas; and

WHEREAS, The expanding population of this State and the resulting demands made upon its natural resources make it more important than ever that destructive plant life such as Scotch broom be suppressed and eliminated; now, therefore, be it

Resolved by the Senate of California, the Assembly thereof concurring, That the Legislature of California wishes to express its desire that the University of California undertake a study to ascertain possible means for the suppression and elimination of Scotch broom, particularly through biological control; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President of the University of California and the Provost of the University at the Davis Campus.

CHAPTER 262

Senate Concurrent Resolution No. 121—Relative to congratulating and commending Lawrence Arnstein on a career of outstanding achievement in the field of public health.

[Filed with Secretary of State, June 6, 1957.]

WHEREAS, Lawrence Arnstein has, since the beginning of his career in public service in 1913, compiled an extraordinary record of achievement in public health and has been the leading figure in virtually every major advance made in this field in California since that time; and

WHEREAS, Lawrence Arnstein was born in San Francisco, California, on November 22, 1881, the son of a merchant, and began his career in the public service when appointed to the San Francisco City Board of Health by Mayor James Rolph; and

WHEREAS, The principal personal forces which he brought to bear to compile his outstanding record were those of complete sincerity, entire devotion and dedication to the cause of enhancement of the welfare of his fellow man, and limitless energy and untiring effort, by virtue of which he was able to gain the confidence and cooperation of everyone with whom he became associated, thereby achieving the universal participation of the community which is so essential to genuine progress in any social endeavor; and

WHEREAS, Among the many established institutions and programs relating to public health and social hygiene which can be pointed to as the direct result of his personal efforts or the culmination of an idea first conceived in his mind alone, are the child care centers located throughout the State of California, which care for thousands of children permitting the mothers to be self-supporting and self-respecting, the psychiatric clinic operated by the San Francisco City Health Department, the School of Public Health at the University of California, the civic programs for the care of crippled children in San Francisco, educational campaigns among labor and industrial groups, blood test campaigns, the San Francisco Women's Court, the family life education programs at the University of California and in the community, and numerous others; and

WHEREAS, These institutions and programs established in California have been emulated throughout the United States and have resulted in Lawrence Arnstein's work and influence being manifested throughout the Country to his personal credit and to the credit of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That Lawrence Arnstein be congratulated for his outstanding service to humanity everywhere and to the people of the State of California particularly; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Lawrence Arnstein.

CHAPTER 263

Senate Concurrent Resolution No. 125—Relative to congratulating Mr. Joseph (Bob) Brady as national amateur handball champion.

[Filed with Secretary of State, June 6, 1957.]

WHEREAS, Mr. Joseph Robert (Bob) Brady of the Olympic Club of San Francisco has demonstrated his great athletic abilities by winning the National Amateur Handball Championship of 1957; and

WHEREAS, The athletic achievements of the citizens of this State add immeasurably to the prestige of the State and encourage greater participation by the youth of this State in amateur athletics; and

WHEREAS, Widespread participation in amateur athletics is a very real aid to the welfare of the youth of our State and of the entire Nation; and

WHEREAS, Bob Brady has always been a distinct credit to his community and this State and is most deserving of the honors attendant to the winning of the national amateur handball championship; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Mr. Joseph Robert Brady is sincerely congratulated for having won the national amateur handball championship; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Mr. Joseph Robert Brady.

CHAPTER 264

Senate Joint Resolution No. 28—Memorializing Congress to enact H. R. 5538, relative to the withdrawal of public lands for defense purposes.

[Filed with Secretary of State, June 7, 1957.]

WHEREAS, The increasing amount of federal public lands which are being withdrawn from settlement, location, sale or entry, for the use of the Department of Defense or reserved for such use, is having serious adverse effects in those areas of the State in which a large percentage of the total area is under federal ownership; and

WHEREAS, Such withdrawals and reservations involve lands in which there are currently being developed rich deposits of many strategic minerals, vital to our defense, which will be

lost to the Nation if the lands are withdrawn or reserved for the use of the Department of Defense; and

WHEREAS, Such withdrawals and reservations have further adverse effects on the areas within which they are located by cutting off access roads, by taking more lands off the tax rolls of the counties in which they are located, and by increasing unemployment due to the cessation of mining activities on such lands; and

WHEREAS, There is now pending before the Congress of the United States House Resolution 5538 which would provide that further withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the United States for use by the Department of Defense must first be approved by act of Congress; and

WHEREAS, The enactment of this measure would assist in alleviating the serious problems being caused by such withdrawals and reservations; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of this State respectfully memorializes the Congress of the United States to enact H. R. 5538; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 265

Assembly Concurrent Resolution No. 111—Relative to requesting the Regents of the University of California to study the feasibility of establishing a campus of the university in the Santa Clara Valley.

[Filed with Secretary of State, June 10, 1957]

WHEREAS, It has become apparent from enrollment projections prepared by the State Department of Finance and from estimates made by other agencies, including the Joint Staff for the Liaison Committee of the State Board of Education and the Regents of the University of California (the report of which was recently submitted to the Legislature), that unprecedented increases in enrollment should be expected shortly by the University of California; and

WHEREAS, The establishment of new university campuses appears to be the most equitable method of meeting the evident need for additional university facilities, by locating such facilities nearer to new major sources of students; and

WHEREAS, The Joint Staff Report above mentioned contains a section analyzing the enrollment potential for the University of California in the South Central California Coast section, which includes the Counties of San Mateo, Santa Clara, Santa Cruz, San Benito, and Monterey, and reflecting a probable

enrollment in a university campus serving that area, if established, of 11,900 students by 1970; and

WHEREAS, Said Joint Staff Report states further regarding the South Central California Coast section as follows: The center of this section is sufficiently distant from the university campus in Berkeley that a university campus located near it would be serving an area where its services would not be immediately conflicting with those of the Berkeley campus. The center also is near enough to the well-populated and fast-growing San Francisco-San Mateo Peninsula and the San Jose circle to have a metropolitan area enrollment potential and yet be sufficiently close to the Berkeley campus to relieve some of the enrollment pressure on that institution. A university campus centrally located in this region would readily serve the Monterey Bay area, which will likely become an increasingly important population and cultural center; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Regents of the University of California are requested to have suitable studies made of the feasibility and appropriateness of establishing a new campus of the university in the area suggested in the above quotation, including estimates of the cost involved and recommendations to the Legislature thereon, such recommendations to be presented at the convening of the next regular session of the Legislature in 1958; and be it further

Resolved, That a copy of this resolution be transmitted to the Regents of the University of California.

CHAPTER 266

Assembly Concurrent Resolution No. 152—Relative to study of law of grand juries by California Law Revision Commission.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, Section 10335 of the Government Code provides that the approval of the Legislature, by concurrent resolution, is required by the California Law Revision Commission to undertake and carry forward studies; and

WHEREAS, It has come to the attention of the Legislature that a study of the feasibility of codifying and clarifying all provisions of law and other legal aspects relating to grand juries into one title, part, division, or chapter of one code is desirable; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision Commission is authorized and directed to consider and study the feasibility of codifying and clarifying, without making substantive change, all provisions of law and other legal aspects relating to grand juries into one title, part, division or chapter of one code, and to report to the Legislature its findings.

CHAPTER 267

Assembly Concurrent Resolution No. 159—Relative to relocating the Redwood Highway.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, The present Redwood Highway, Humboldt County, Route 1, Sections C and D, extending from approximately one-half mile south of Myers Flat to one mile south of Dyerville, is insufficient to carry the heavy traffic which travels over it daily; and

WHEREAS, Such highway is extremely winding and is not designed for rapid through traffic, but is designed for sightseeing traffic which visits the area; and

WHEREAS, A relocated highway designed to carry through traffic has been under consideration by the Department of Public Works for some time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby recognizes the vital importance of relocating the Redwood Highway, Humboldt County, Route 1, Sections C and D, as soon as feasible; and requests the California Highway Commission to provide for the timely construction of such relocated highway, bearing in mind the needs of other state highway construction in the State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a copy of this resolution to the California Highway Commission and Department of Public Works.

CHAPTER 268

Assembly Concurrent Resolution No. 173—Relative to merit awards to state employees.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gale G. Sphon, Highway Traffic Signal Technician, Division of Highways, for a suggestion that effects an annual saving of three thousand nine hundred four dollars ($3,904) by recommending, developing and building a phase checker which is a simple electrical device used for checking the condition and continuity of detector pads used at signalized highway intersections; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to E. Patrick Shannon, Police Officer, Board of State Harbor Commissioners, for a suggestion that

resulted in a net increase of traffic revenues of seven thousand seven hundred fifty dollars ($7,750) from June 1, 1955, to May 31, 1956, through his proposal for the issuance of monthly parking permits to waterfront employees for meter stalls and bulkhead wharves on the San Francisco Embarcadero; and

WHEREAS, The maximum award of one hundred fifty dollars ($150) was divided equally between Dorothy Wilson and Esther Schaber, Senior Clerks, Department of Employment, for a suggestion that results in an annual saving of three thousand six hundred two dollars ($3,602) which related to the elimination of extra employers' names on record checks as it was found that only the name of one of the employers on the last available quarter was necessary; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Josephine Massman, Intermediate Stenographer-Clerk, State Compensation Insurance Fund, for a suggestion that resulted in annual savings of three thousand three hundred twenty dollars ($3,320) which savings resulted through a suggestion to discontinue the making of individual folders for employer accounts under $500 premiums as well as the elimination of certain district files; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert B. Whisenhunt, Office Equipment Repair Leadman, Department of Finance, for an annual saving of five thousand sixty-four dollars ($5,064) for his suggestion to integrate the maintenance of state-owned adding machines in the same shop where maintenance of state-owned typewriters was provided. It was previously the practice to contract this maintenance out; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to LaRene J. Curo, Senior Legal Stenographer, Department of Public Works, for a suggestion that results in an annual saving of one thousand nine hundred thirty dollars ($1,930) through the combining of two legal forms into one entitled "Affidavit for Order, and Order Fixing Security and Permitting Plaintiff to Take Immediate Possession"; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Violet Bergman, Intermediate Account Clerk, Franchise Tax Board, for a suggestion that results in annual savings of ten thousand eight hundred ninety-two dollars ($10,892) for recommending the use of interest computation charts to be used in computing interest on delinquent income tax returns and on jeopardy assessments rather than leaving the interest to be figured by the taxpayers. Approximately 4,221 additional revenue items have been realized as well as the elimination of setting up delinquent accounts and a billing and collection procedure; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gladys M. Burrows, Supervising Account Clerk II, Board of Equalization, for a suggestion that has earned the State of California additional interest of eighty-

eight thousand one hundred ninety-one dollars ($88,191) by following her suggestion which assisted in implementing the then new state investment program of the State Treasurer's Office, the Pooled Money Investment Fund, by depositing on the date of receipt, checks from accounts known as consolidated accounts and other large accounts and identified as such by the mailing envelopes. These accounts, averaging 300 to 400 per day, represent approximately one-third of the total sales tax collection for any one period It was previously the practice for the Board of Equalization to withhold the checks for deposit until the returns had been processed through the tabulating machine section. This, because of the volume of small and large returns, and because of the necessity of making proper distribution of the 1 percent additional sales tax collected under the Bradley-Burns Act, required from five to eight days in the processing Mrs Burrows' proposal is to immediately withdraw the checks of these larger taxpaying accounts, list them separately by account number and amount for control purposes, and deposit these checks on the date of receipt. At current interest rates a million dollars ($1,000,000) will earn in excess of eighty dollars ($80) per day. However, the savings here have been averaged out on the basis of sixty-seven dollars and eighty cents ($67 80) per day for each million dollars ($1.000,000); now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards are hereby authorized, subject to the approval of the State Board of Control, to the employees named:

Gale G. Sphon, two hundred forty dollars ($240);

E. Patrick Shannon, six hundred twenty-five dollars ($625);

Esther Schaber, sixty-six dollars ($66);

Dorothy Wilson, sixty-six dollars ($66);

Josephine Massman, one hundred eighty-two dollars ($182);

Robert B. Whisenhunt, three hundred fifty-six dollars ($356);

LaRene J Curo, forty-three dollars ($43);

Violet Bergman, nine hundred thirty-nine dollars ($939);

Gladys M. Burrows, two thousand nine hundred thirty-six dollars ($2,936); and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

CHAPTER 269

Assembly Concurrent Resolution No 174—Relative to designating State Highway Route 1 as the Redwood Highway.

[Filed with Secretary of State, June 10, 1957]

WHEREAS, State Highway Route 1 (also known as U. S. 101), traversing the Counties of Del Norte, Humboldt, Mendo-

cino, Sonoma, and Marin to the Golden Gate Bridge between the County of Marin and the City and County of San Francisco, is popularly known as the "Redwood Highway"; and

WHEREAS, Said counties authorized the use of the name "Redwood Highway" for this route over 30 years ago and since that time, their Redwood Empire Association, official nonprofit organization serving said counties, has expended funds to nationally publicize and advertise the Redwood Highway and the counties it serves, also including the Counties of Napa and Lake (and Josephine County, Oregon), and beneficial to all other parts of California; and

WHEREAS, Motorists thus attracted from other states to California spend substantial sums in the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 1 (U. S. 101) from the Golden Gate Bridge "to the Oregon state line via Crescent City and the Smith River" is hereby designated the "Redwood Highway," and the Department of Public Works is requested to use this designation on appropriate signs placed at intervals along said highway; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Director of Public Works; to each of the Board of Supervisors of the Counties of Del Norte, Humboldt, Mendocino, Sonoma, Marin, Napa, and Lake, and the City and County of San Francisco; to the Board of Directors of the Golden Gate Bridge and Highway District; to the Redwood Empire Association in San Francisco; and a complimentary copy to the Honorable Judge and Board of County Commissioners of Josephine County, Grants Pass, Oregon.

CHAPTER 270

Assembly Concurrent Resolution No. 175—Relative to the continuance of the Joint Committee on Legislative Procedure.

[Filed with Secretary of State, June 10, 1957]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1 The Joint Committee on Legislative Procedure created by Assembly Concurrent Resolution No. 147 of the 1955 Regular Session is continued as a joint investigating committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session,

with authority to file its final report not later than the last legislative day of that session.

3. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

4. The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

5. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 271

Assembly Concurrent Resolution No. 183—Relating to honoring and congratulating Jay W. Stevens.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, The Fire Service of California is world renowned for its efficiency and leadership in the field of fire prevention and protection; and

WHEREAS, Jay W. Stevens has, for 53 years, dedicated his life to the saving of life and property from the ravages of fire; and

WHEREAS, Jay W. Stevens, as the first California State Fire Marshal, appointed in the year 1927, established that office in its formative years and has assisted at various times in more recent years so that at the present time the Office of the California State Fire Marshal is recognized as the ideal model throughout the United States; and

WHEREAS, Through the past 53 years Jay W. Stevens has contributed more than any living man to the reduction of home fires and the tragic loss of life therein by his active participation in state, national, and international fire service associations, including the National Board of Fire Underwriters, as well as organizing Governors' Home Fire Prevention Conferences in each of the 48 states; and

WHEREAS, By personal example and outstanding effort, he has championed the professionalization and attainment of ever

higher standards in the Fire Service and through militant action has been a living inspiration to all who have shared his common cause in saving human life and property from fire and disaster; and

WHEREAS, The Fire Service of the United States has dedicated this year of 1957 to making a fire safety inspection of every building in America in his honor; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California commends Jay W. Stevens for his many years of dedication and outstanding contribution to the saving of life and property not only in California, his home State, but also throughout the United States, and congratulates him upon the richly deserved honor conferred upon him; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Jay W. Stevens.

CHAPTER 272

Assembly Concurrent Resolution No. 187—Relative to the death of Fred W. Meyer.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, It was with the most sincere and profound regret that the Members of the Legislature of the State of California learned of the death, on February 24, 1957, in San Francisco, of Fred W. Meyer; and

WHEREAS, Mr. Meyer, who had on February 12th celebrated his eighty-seventh birthday, was long a civic leader in San Francisco and for 12 years, from 1936 through 1947, a member of the board of supervisors; and

WHEREAS, His forthright convictions, his sterling character, his friendliness, his understanding and his wholesome good fellowship, and his devotion to public service have won for him respect from all classes of citizens; he was a popular figure at City Hall in San Francisco and in Sacramento where he served, from 1931 to 1933, under appointment from the then Governor James Rolph, Jr., as Chief of the State Division of Service and Supply; and

WHEREAS, After Mr. Meyer's retirement from membership on the Board of Supervisors of the City and County of San Francisco, he entered private business and was, at the time of his death, treasurer of the California Grocers Association; and

WHEREAS, Throughout his many years of service in Sacramento as an advocate on behalf of the California Grocers Association, before the Legislature, he endeared himself not only to the Members of the Legislature but to other legislative representatives, members of the press, legislative attaches and employees and all who came to know him; and

WHEREAS, To mourn his passing and to receive the heartfelt sympathy of all, he leaves his widow, Lily; a daughter, Ada Hester; a son, Dr. Frederick Meyer of San Francisco; and a sister, Tillie Klopstock of San Rafael; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do, hereby, convey to the bereaved widow and family of Fred W. Meyer the most sincere condolences and do express the hope that the Lord will comfort them in this time of need; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the widow and family of Fred W. Meyer.

CHAPTER 273

Assembly Concurrent Resolution No. 196—Relative to congratulating Forrest R. Henvey, Jr.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, The Members of the Legislature have been pleased to learn that Forrest R. Henvey, Jr., of Anaheim will be graduated this week at the head of the senior class at the United States Naval Academy; and

WHEREAS, He has compiled a scholastic average in the rigorous four-year course at Annapolis which has captured top honors in an 848-man senior class and which foretells a great military career for him; and

WHEREAS, He is the son of Mrs. Thomas V. Taylor of Anaheim and studied at the California Institute of Technology before his appointment to the naval academy in 1953 by Representative James B. Utt of Santa Ana; and

WHEREAS, In winning the highest academic honors in a class of over 800 of the finest young men of the Country he has brought distinction and honor to his State and to his community; and

WHEREAS, It is fitting and proper that the pride all Californians take in his accomplishment be expressed to him and that the sterling example he has set be proclaimed to the citizens of this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Forrest R. Henvey, Jr., of Anaheim be congratulated upon his graduation at the head of his class at the United States Naval Academy, that the appreciation of the Members of the Legislature for the signal honor he has brought to California be expressed to him, and that the Legislature join with his family, neighbors, and friends in wishing him every success in his future career; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to him.

CHAPTER 274

Assembly Concurrent Resolution No. 202—Approving seven certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the twenty-eighth day of May, 1957.

[Filed with Secretary of State, June 10, 1957.]

City of Los Angeles Charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of seven amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

Certificate

We, John S. Gibson, Jr., President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million nine hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 28th day of May, 1957, all as

required by law, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5, 6 and 7, respectively.

That on the 17th day of April, 1957, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 17, 1957, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 17, 1957, to and including May 28, 1957; and a notice was advertised and published on and from April 17, 1957, to and including May 28, 1957, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on May 28, 1957, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on June 5, 1957, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

PROPOSED CHARTER AMENDMENT NO. 1

Section 14 of the Charter of The City of Los Angeles is amended to read as follows:

Council members Eligibility for other offices

Sec. 14 No member of the Council shall, during the term for which he shall have been elected, be eligible to any office to be filled, or appointment to which is subject to confirmation, by the Council; nor shall any member of the Council be selected to fill any vacancy that may occur in any other office where

such a vacancy is to be filled, or appointment to which is subject to confirmation by the Council.

Notwithstanding the provisions of this section or any other provisions of this charter, the President of the Council may appoint one of the members of the Council to membership on the Los Angeles Memorial Coliseum Commission as a representative of the City upon said Commission. The President of the Council may also appoint from said membership an alternate with full power to act as a representative of the City during the absence, incapacity or inability of the appointed member to act as a member of said Commission.

PROPOSED CHARTER AMENDMENT No. 2

The Charter of The City of Los Angeles is amended by amending paragraph (b) of subsection (1) of Section 220.1 thereof to read as follows:

Retirement

(b) That all benefits under the retirement feature of said plan and system shall be based upon the monthly salary for each year of active service in said Department earned by the employee from the effective date of said plan and system to the date of retirement, and upon the average monthly salary earned by the employee during the year immediately preceding said effective date, and upon the number of years of active service of the employee in said Department prior to said effective date, and upon such minimum retirement benefits as the provisions of said plan and system may prescribe; provided, however, that no employee with less than ten years of service in said Department prior to normal retirement date shall receive the benefit of any such minimum;

That in addition to sharing the cost of retirement benefits based upon the provisions of the next preceding paragraph hereof, said Department may, at its election and upon such terms and conditions as said plan and system may prescribe, pay into the Water and Power Employees Retirement Fund, on behalf of any employee who shall have been on leave of absence while in the armed forces of the United States, and who shall have returned to active duty in said Department after his discharge or release from said armed forces under conditions other than dishonorable, any sum or sums not exceeding in the aggregate the total amount of contributions which said plan and system would have required said Department and such employee to pay into said fund for the account of such employee had his active service in said Department not been interrupted by such leave of absence; provided, that said plan and system shall prescribe the basis of compensation upon which any such sum or sums shall be calculated; and provided, further, that any sum or sums paid into said fund by said Department pursuant to the provisions of this paragraph shall be made available to such employee only for the purpose of retirement;

That all benefits under the disability and death benefit features of said plan and system shall be based upon the monthly salary earned by the employee;

PROPOSED CHARTER AMENDMENT NO. 3

Section 501 of the Charter of The City of Los Angeles is amended to read:

Sec. 501 Definitions.

For the purpose of this Article, the following words and phrases shall have the meaning ascribed to them in this section unless a different meaning is clearly indicated by the context: Definitions

"Accumulated Contributions": Shall mean the total of the amounts paid into the fund, together with regular interest thereon, by deduction from the member's salary as provided in section 507 and such additional amounts paid by the member as authorized under said section.

"Annuity": Shall mean payments for life derived from the accumulated contributions of a member as provided in this Article.

"Beneficiary": Any person receiving or entitled to receive, any benefit provided by this Article.

"City Service" or "Service": Shall mean only those periods during which a member received compensation from the city as an employee or during which he not only received Workmen's Compensation benefits (Div. IV, Labor Code) for temporary disability on account of any injury or illness arising out of and in the course of his employment with the city but for which he also made contributions to the fund as provided in this Article.

"Compensation Earnable": Shall mean the full salary, wage or compensation established for any position or office in the city service for the particular period involved in any calculation required; provided, however, that in the case of any retirement allowance heretofore granted where any such salary, wage, or compensation is in excess of Five Hundred Dollars ($500.00) per month, compensation earnable shall mean that portion thereof not exceeding sixty per cent (60%) of the highest salary, wage, or compensation established for any office or position to which appointment may be made under Section 109 of this Charter.

"Continuous Service": As applied to prior service means all prior city service regardless of interruptions in such service; and as applied to service as a member it shall mean uninterrupted city service except that discontinuance of such service of a member for any cause whatever, followed by reentrance into the city service within three years from the date of such discontinuance, shall not be considered as a break in the continuity of service.

"Dependent Parent": Shall mean only a person whom the Board of Administration, upon investigation and after a hearing in the matter, shall find is the parent of a member to

or for whom the member, during the last year of his service, contributed at least one-half (½) the necessary living expenses.

"Employee": Shall mean every person in the employ or service of the City of Los Angeles in any capacity or rank whatever at a regular salary, wage or compensation, and regardless of whether the position held by any such person is classed as an office or employment.

"Final Compensation": Shall mean the average annual compensation earnable by a member for city service during the last five years of city service or during any other five consecutive years of city service which such member shall designate.

"Member": Any person included in the membership of the Retirement System under the provisions of Sec. 502. In addition to periods of city service for compensation, such membership shall continue during such temporary period or periods in which a member is not receiving compensation, as the Board of Administration may by rule determine.

"Prior Service": The city service of an employee, as defined herein, at any time before the 1st day of July, 1937; provided, that no credit for such service shall be allowed to any person entering city service after the 1st day of July, 1947, except in the case of a former member returning to such service and resuming membership in the Retirement System.

"Regular Interest": Shall mean interest credited to the individual account of each member as provided in this Article.

"Reserve Basis": A system which provides for the accumulation and maintenance of a fund which will at all times be equal to the difference between the present value of the obligations assumed and the present value of the money to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of money with which they are to be paid.

Proposed Charter Amendment No. 4

The Charter of The City of Los Angeles is amended by adding Sections 316.1 and 316.2 thereto and amending Section 318 1 and Section 320 thereof, to read as follows:

Filing fees

Sec. 316.1. A filing fee equal to two per cent of the first year's salary fixed for the elective office shall be paid by each candidate therefor to the City Clerk as provided in Sections 316 2 and 320, except that the filing fee shall be $72.00 for the office of a member of the Board of Education

Candidates: Declaration of intention

Sec. 316 2. Each candidate for nomination to any elective office shall sign and file with the City Clerk a sworn declaration of intention to become a candidate for the office designated therein The declaration of intention to become a candidate

must be made on forms prepared and furnished by the City Clerk, which shall include thereon provision for an affidavit by the candidate filing such declaration of intention that he possesses all necessary legal qualifications to be a candidate for the office designated therein The declaration of intention to become a candidate shall be filed not earlier than ninety days, nor later than eighty-five days, prior to the primary nominating election. One-half of the filing fee, as provided in Section 316.1, shall be paid at the time the declaration of intention to become a candidate is filed with the City Clerk, however, the entire fee may be paid at such time A declaration of intention to become a candidate shall be void and ineffectual for any purpose unless the same has been filed and the filing fee paid as required by this section.

A candidate may not file a declaration of intention to become a candidate for more than one office at the same primary nominating election. Prior to the issuance of a nominating petition, as provided in Section 318.1, a candidate may withdraw his declaration of intention to become a candidate for the office designated therein by signing a written statement across the face thereof that he has withdrawn the same. In such case a candidate may file a new declaration of intention to become a candidate for another office designated therein not later than eighty-five days prior to the primary nominating election and upon payment of the filing fee as required by this section, without credit or allowance for any filing fee or portion thereof previously paid. Failure to file a new declaration of intention to become a candidate as herein provided will not affect the withdrawal of any previous declaration of intention to become a candidate

Nominating petitions

Sec. 318 1. The City Clerk shall prepare and furnish to each candidate having a valid and effective declaration of intention to become a candidate on file, as provided for in Section 316.2 (or to his representative upon such candidate's written request), the nominating petition required to be signed by qualified electors as provided in this Charter No nominating petition shall be furnished, or circulated, unless prepared and furnished by the City Clerk as provided in this section and the filing fee paid as provided in Section 316 2. The City Clerk shall not furnish any nominating petition except as authorized herein.

Sec 320. Nominating petitions shall be filed with the City Clerk not more than eighty days and not less than sixty-five days prior to the primary nominating election, and the City Clerk shall endorse thereon the date of filing No nominating petition shall be filed with the City Clerk until the required filing fee therefor has been paid in full.

The City Clerk, upon filing with him of a nominating petition, shall determine whether or not the petition is signed by the requisite number of qualified registered electors Within ten days after filing of such petition with the City Clerk, he shall attach his certificate thereto showing the result of his examination

PROPOSED CHARTER AMENDMENT No. 5

The Charter of The City of Los Angeles is amended by repealing Section 331 and amending Sections 275 and 325 thereof to read:

Initiative petition

Sec. 275. Any person or persons filing an initiative petition, or the person or organization on whose behalf such petition is filed, shall have the right to file with the City Clerk, at least forty days prior to the election at which the ordinance proposed by such petition is to be submitted to a vote of the electors of the city, printed copies of an argument favoring said proposed ordinance, and the Council shall have the right to present, or permit to be presented and filed with the City Clerk within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand words in length, and such argument shall be printed in such form and upon such character of paper, suitable for mailing, as the City Clerk shall prescribe. The City Clerk shall enclose one copy of each such argument with the sample ballot and a copy of the proposed ordinance mailed to each voter, provided he has been furnished with printed copies of such argument equal in number to five per cent in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the Council to expend money of the city for formulating or printing any such argument.

Sec. 325. The list of names of candidates and respective offices as published, together with any measures or propositions as ordered by the Council or otherwise required by law, shall appear on the ballot. The names of the offices to be filled shall be arranged thereon as follows: Mayor, City Attorney, Controller, Member of the Council, Member of the Board of Education, followed by any other offices to be filled in the order as determined by the Council. Measures and propositions shall appear on the ballot in the order as determined by the Council.

PROPOSED CHARTER AMENDMENT No. 6

Section 267 of the Charter of The City of Los Angeles is amended to read:

Elected officers

Sec. 267. The officers elected at a primary or general municipal election shall, after they have qualified, as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first day of July next succeeding their election, and shall, except as otherwise provided for in this charter, serve until their successors have been elected and qualified.

Vacancies

In the event of a vacancy in any elective office, other than Member of the Board of Education, the Council shall fill the same by appointment. In such case, the person so appointed shall hold office for the unexpired term and until his succes-

sor shall have been elected and qualified; except that in the event such vacancy occurs prior to the first day fixed by law for the initial procedure required to be taken to become a candidate for nomination for the office at the next succeeding primary nominating election held for any elective city office, the person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term elected at such primary nominating election or the following general municipal election, if nominated but not elected at the primary nominating election. The procedure for the nomination of candidates and their election to fill such vacancy for the unexpired term and the qualifications therefor shall be the same in all respects as that provided with regard to the nomination of candidates and their election to the office and the qualifications therefor.

In the event of a vacancy in the office of Member of the Board of Education said Board shall fill the same by appointment. The person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term, which election shall take place at the next succeeding primary nominating election or general municipal election, if any, occurring not less than ninety (90) days after the occurrence of such vacancy and prior to the expiration of such term. And if no such election shall so occur, then such appointed person shall hold office for the unexpired term.

Any candidate for the remainder of an unexpired term of office of Member of the Board of Education shall be nominated by petition. Except as otherwise herein provided, the provisions of this article relating to petitions for nomination at a primary nominating election shall apply to any petition filed under this section. Each petition shall be filed with the City Clerk not more than eighty (80) nor less than sixty-five (65) days prior to the primary nominating election or general municipal election at which the election to fill such unexpired term is to be held. The candidate who receives the highest number of votes for the unexpired term of office of Member of the Board of Education at such election shall be deemed elected to such office for the remainder of such unexpired term. In case the person who receives the highest number of votes shall fail to qualify within ten (10) days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

If the person so elected does qualify within such ten-day period, he shall, upon qualifying, immediately assume office.

No person shall be eligible for any such appointment unless he shall possess the same residential qualifications as are required for nomination or election to such office. Any person so appointed to fill a vacancy in an elective office may be removed from office by the recall in the same manner as if he shall have been elected to said office.

PROPOSED CHARTER AMENDMENT NO. 7

Section 98 and 99 of the Charter of the City of Los Angeles are amended to read:

Office of Zoning Administration

Sec. 98. There is hereby created the office of Zoning Administration. The functions and duties of this office shall be performed by one or more Zoning Administrators as authorized by the Council, who shall be appointed by the Director of Planning subject to the civil service provisions of this charter. If more than one Zoning Administrator is authorized, a position of Chief Zoning Administrator shall be established, the appointment to which shall be made by the Director of Planning and such others shall be Associate Zoning Administrators.

The Zoning Administrator, if he has held such position for six (6) months previous to the time this section becomes effective, shall continue in the position of Zoning Administrator hereunder, and if he further holds such office at such time as the position of Chief Zoning Administrator is established shall be deemed to have the qualifications for and shall be and become the Chief Zoning Administrator.

Powers and duties

Subject to such rules and regulations as the Council may prescribe by ordinance, the Chief Zoning Administrator and Associate Zoning Administrators shall have the following powers and duties:

(1) To investigate and make a determination upon appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Department of Building and Safety in the enforcement or administration of the provisions of any ordinance adopted by the Council creating zoning districts or regulating the use of property in the city.

(2) To investigate and make a determination upon all applications for variances from any of the regulations and requirements of the zoning ordinances. Before granting an application for a variance, a Zoning Administrator must find:

(a) That the strict application of the zoning regulations or requirements would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the regulations;

(b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;

(c) That the granting of a variance will not be materially detrimental to the public welfare or injurious to property or improvements in such zone or neighborhood in which the property is located; and

(d) That the granting of a variance will not be contrary to the objectives of the master plan.

In granting a variance a Zoning Administrator may impose such conditions as are necessary to protect the public health,

safety or welfare, and to assure compliance with the objectives of the master plan, in accordance with the purpose and intent of the zoning ordinance.

No written finding shall be required in granting variances authorizing slight modifications in individual cases from area requirements of the zoning regulations. Written findings shall be made in conjunction with all other determinations of a Zoning Administrator and all such cases may be appealed to the Board of Zoning Appeals.

A Zoning Administrator shall make his decision on any matter under his jurisdiction as expeditiously as is possible. If no determination is made within forty (40) days from the date the matter is filed, the applicant may request the Board of Zoning Appeals for a transfer of jurisdiction to said Board and for a determination of the original application, in which case the Board of Zoning Appeals shall assume jurisdiction and the Zoning Administrator shall lose jurisdiction. The Board of Zoning Appeals shall consider the matter in the same manner as provided for the consideration of appeals.

Upon making a determination upon any matter under his jurisdiction, a Zoning Administrator shall forthwith place a copy of his findings and determination on file in the City Planning Department and furnish a copy of the determination to the applicant, the Board of Building and Safety Commissioners and the Director of Planning. Such determination shall be final, except that an appeal may be taken as hereinafter provided. No variance granted by a Zoning Administrator, other than a slight modification from area requirements, shall become effective until the expiration of an elapsed period after mailing notice, which period shall be specified by ordinance. During this period an appeal from the determination of a Zoning Administrator may be taken to the Board of Zoning Appeals by any person aggrieved, or by an officer, board, department or bureau of the city, as provided in this chapter. An appeal shall stay all proceedings in furtherance of the action appealed from pending its determination.

Board of Zoning Appeals Powers

Sec. 99. The Board of Zoning Appeals shall have and exercise the following powers:

(a) To hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by a Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the Council creating zoning districts or regulating the use of property in the city, either initially or in the determination of an appeal as provided for in Section 98 of this charter.

(b) To hear and determine appeals from the rulings, decisions and determinations of a Zoning Administrator granting or denying applications for variances from any rule,

regulation, restriction or requirement of the zoning ordinances, or any section thereof.

Upon the hearing of such appeals said Board may affirm, change or modify the ruling, decision or determination appealed from, or, in lieu thereof, make such other or additional determination as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrators by this charter.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 5th day of June, 1957.

(SEAL)

JOHN S. GIBSON, JR
President of the City Council
of The City of Los Angeles

WALTER C. PETERSON
City Clerk
of The City of Los Angeles

By FOSTER R. KING
Chief Deputy City Clerk

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said City of Los Angeles.

CHAPTER 275

Assembly Joint Resolution No. 30—Relative to sonic booms.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, There has been an increasing number of reports of sonic booms caused by high-powered, high-speed jet aircraft; and

WHEREAS, When blasted in congested or inhabited areas, sonic booms inconvenience and disturb the repose of many of the persons in such areas; and

WHEREAS, It is recognized that sonic booms occur in the tactical operations practiced by the armed forces, but operational training in the type of maneuvers in which sonic booms occur is generally not necessary over densely inhabited areas and performance of such should be restricted to uninhabited areas; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Secretary of Defense of the United States to consider action that will prevent the occurrence of sonic booms in inhabited areas; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States, the Secretary of Defense, the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy.

CHAPTER 276

Assembly Joint Resolution No. 32—Relative to the Navy jet base in Lemoore.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, The United States Government has already appropriated ten million dollars ($10,000,000) to buy land and draw plans for a proposed Navy jet base at Lemoore, California; and

WHEREAS, The location of this base, because of its extensive size and remoteness from densely populated areas, is eminently suitable for its use as an airfield for modern aircraft; and

WHEREAS, It is ideal from a defense standpoint due to its proximity to the coast, yet its vulnerability to enemy attack is lessened by the range of mountains separating it from the ocean; and

WHEREAS, Economically considered, operation of the base at Lemoore will benefit the people of the entire area, and thus is desirable from a business point of view; and

WHEREAS, Construction of the base is heartily endorsed by all of the local chambers of commerce in the region, and enthusiastically supported by the citizens; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to continue their plans for construction of the United States Navy jet base at Lemoore, California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 277

Assembly Concurrent Resolution No. 163—Approving charter of the City of Fresno, State of California, ratified by the qualified electors of the said city at a general municipal election held on the eighth day of April, 1957.

[Filed with Secretary of State, June 10, 1957.]

City of Fresno. Charter

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, as hereinafter set forth in the certificate of the Commissioner of Public Safety and Welfare and ex officio Mayor of the City of Fresno and the city clerk of the said city, as follows, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF FRESNO IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.
CITY OF FRESNO }

Certificate

We, the undersigned C. Cal Evans, Commissioner of Public Safety and Welfare and ex-officio Mayor of the City of Fresno, and D. E. Roughton, City Clerk of the City of Fresno, do hereby certify and declare as follows:

That the City of Fresno, a municipal corporation in the County of Fresno, State of California, now is and at all times herein mentioned was a city containing a population of over 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; that the City Commission of the City of Fresno did cause to be framed a proposed charter for its own government and on the 14th day of February, 1957, at a regular meeting

of said City Commission of said city, said proposed charter so framed was filed with the said City Commission of the City of Fresno and its Clerk and the said City Commission of the City of Fresno, on said day, did order, by resolution, that the proposal for the adoption of said proposed charter be placed upon the ballot at the general municipal election to be held on the 8th day of April, 1957, for the purpose of submitting said proposal to the electors of said City of Fresno; that said resolution further ordered and directed said City Clerk to publish said proposed charter in The Fresno Bee, The Republican, a newspaper of general circulation printed and published in the City of Fresno.

That said proposed charter was published pursuant to said order in said newspaper and in each edition thereof during the publication on the 25th day of February, 1957; that the date of said publication was within fifteen days after said charter was filed in the office of said Clerk of said City Commission; that the date set for the submission to the electors of said proposed charter, to wit, April 8, 1957, was not less than forty days, nor more than sixty days, after the completion of the advertising in said official paper aforesaid.

That until the day fixed for the election there was advertised in The Fresno Bee, The Republican, a newspaper of general circulation, printed and published in the City of Fresno, a notice that copies of said Charter were available in the office of the City Clerk of the City of Fresno and could be secured upon application therefor at said office; that such copies were so available at all times; that said City Commission caused copies of said proposed Charter to be printed in convenient pamphlet form and in type not less than ten point, and caused copies thereof to be mailed to each of the qualified electors of said City; and caused such copies to be available at all times in the office of the City Clerk, all in accordance with Section 8 of Article XI of the Constitution of the State of California.

That the said general municipal election was duly called, held, and conducted at the time, form, and manner required by the City Charter and by law on said 8th day of April, 1957.

That the Commission of said City of Fresno did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and did, on the 26th day of April, 1957, adopt its Resolution No. 4899 declaring the result of the canvass of the returns of said election as determined from the canvass of the returns thereof; and that said Commission did by said resolution duly find, determine, and declare that a majority of the qualified voters voting on the proposal for the adoption of a charter voted in favor of the adoption of said proposed charter.

That a majority of the qualified voters voting upon the proposal to adopt the proposed charter voted in favor of its adoption.

That said Charter so adopted and ratified by the majority of the qualified voters of said City voting at said general municipal election is in the words and figures following to wit:

THE CHARTER OF THE CITY OF FRESNO

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THE CHARTER OF THE CITY OF FRESNO

We, the people of the City of Fresno, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

Article I

Incorporation and Succession

Name and boundaries

Section 100. Name and Boundaries. The City of Fresno, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Fresno". The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Rights, etc

Section 101. Succession, Rights and Liabilities. The City of Fresno shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Ordinances

Section 102. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Present officers etc

Section 103. Continuance of Present Officers and Employees The appointive officers of the City, except members of boards and commissions, and the employees of the City under the preceding Charter shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the appointment of their successors or until they are specifically relieved of their duties, but subject to the provisions of this Charter.

Transfer of records

Section 104. Transfer of Records and Property. All records, property and equipment of any office, department or

agency, or part thereof, all of the powers and duties of which are assigned to any other office, department or agency by or pursuant to this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof is assigned to another office, department or agency by or pursuant to this Charter, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which said powers and duties are so assigned.

Operative date

Section 105. Operative Date of Charter. For the purpose of nominating and electing the first Mayor and first Councilmen, the provisions of this Charter shall become operative when the concurrent resolution of the legislature approving this Charter is filed with the Secretary of State. For all other purposes this Charter shall become operative at twelve o'clock noon on the first Tuesday next following the date of the election of the first Mayor and first Councilmen and the qualification of not less than five members of the Council so elected. At such time the terms of all elective officers of the City under the preceding Charter shall terminate.

The first Council elected hereunder shall immediately by resolution create temporary departments for the administration of the City government and shall appoint temporary heads thereof, said temporary department heads to continue as such until appointment of their successors by the Chief Administrative Officer under the provisions of this Charter.

Article II

Powers of the City

General powers

Section 200. General Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Section 201. Procedures. The City shall have the power and may act pursuant to any procedure established by any law of the State, unless a different procedure is established by this Charter or by ordinance.

Section 202. Contracts for Municipal Services. The City shall have the power to enter into a contract with any other

city or county within the state, with a State Department, or with any other public or private agency or firm for the performance of any administrative function of the City.

Article III

Elective Officers

Elective officers

Section 300. Enumeration. The elective officers of the City shall be a Mayor and six Councilmen.

The Council shall consist of the Mayor and six Councilmen, each of whom, including the Mayor, shall have the right to vote on all matters coming before the Council.

Section 301. Elected at Large. The elective officers shall be elected from the City at large at the times and in the manner provided in this Charter.

Section 302. Designation of Councilmen for Election. As to the Councilmen there shall be deemed to be six separate offices to be filled, one of which shall be designated as Councilman Number One, another as Councilman Number Two, another as Councilman Number Three, another as Councilman Number Four, another as Councilman Number Five, and another as Councilman Number Six. No candidate shall file for more than one elective office. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for each designated office shall be declared elected. After election the designating numbers shall have no further significance except for the purposes of designating incumbency.

Terms

Section 303. Term of Office. Except as otherwise provided in this section, the elective officers shall hold office for a term of four years from and after the first Tuesday following their election, and continuing until their successors are elected and qualified.

At the first election under this Charter the Councilmen elected for the offices designated as Number One, Number Three and Number Five shall serve until the third Tuesday in April, 1959, or until their successors are elected and qualified, and the Councilmen elected for the offices designated as Number Two, Number Four and Number Six shall serve until the third Tuesday in April, 1961, or until their successors are elected and qualified The Mayor elected at said first election under this Charter shall serve until the third Tuesday in April, 1961, or until his successor is elected and qualified. The offices of Councilmen designated as Number One, Number Three and Number Five shall be filled subsequently at the general municipal election held in April, 1959, and each fourth year thereafter. The offices of Councilmen designated as Number Two, Number Four and Number Six and the office of Mayor shall be filled subsequently at the general municipal election held in April, 1961 and each fourth year thereafter.

Ties in voting among candidates for any office shall be settled by the drawing of lots.

Eligibility

Section 304. Eligibility. No person shall be eligible to hold an elective office unless he is, and shall have been for at least three years immediately preceding his election or appointment, a qualified registered elector of the City.

Vacancies

Section 305. Vacancies. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

The Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, the salary or other compensation of each member of the Council shall cease until the vacancy is filled.

Holding of other office

Section 306. Holding of Other Office. No elective officer shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; nor be elected or appointed to any office created or the compensation of which is increased by the Council, while he is a member thereof, until one year after the expiration of the term for which he was elected.

Article IV

The Mayor

Mayor: Powers

Section 400. Powers and Duties. The Mayor shall preside at all meetings of the Council and shall perform such other duties consistent with his office as may be imposed by the Council and which are not in conflict with the provisions of this Charter. He shall be entitled to, and, in the event of a tie, must vote but shall possess no veto power. He shall appoint members of all boards or commissions which said appointments shall be subject to confirmation by the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts, for the purpose of serving civil processes and by the Governor for military purposes. In time of public danger or emergency, he may, with the consent of the

Council, take command of the police, maintain order and enforce laws, and at all times shall have the powers of a peace officer.

Pro tempore

Section 401. Mayor Pro Tempore. The Council shall elect one of its members to act as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the Council. In addition to his regular duties as a Councilman, the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

Compensation

Section 402. Compensation. The Mayor shall receive as compensation for his services six thousand dollars ($6000) per annum, payable monthly, and in addition thereto shall receive reimbursement on order of the Council for Council authorized traveling and other necessary expenses when on official duty.

Article V

The Council

Council Powers

Section 500. Powers Vested in the Council. All powers herein granted to and vested in the City of Fresno shall, except as herein otherwise provided, be exercised by a Council to be designated the Council of the City of Fresno. Said Council shall be the governing body of the City and, subject to the express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the State.

Compensation

Section 501. Compensation Each Councilman shall receive as compensation for his services thirty-six hundred dollars ($3600) per annum, payable monthly, and in addition thereto shall receive reimbursement on order of the Council for Council authorized traveling and other necessary expenses when on official duty.

Meetings

Section 502. Meetings. The Council shall hold regular meetings at least once each week and shall provide for the time, place and manner of holding its meetings by ordinance All meetings of the Council shall be open to the public.

Quorum

Section 503. Quorum. A majority of the entire membership of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time In the absence of all of the members of the Council from any regular meeting or adjourned regular meeting the City Clerk may declare the same adjourned to a stated day and hour.

Rules

Section 504 Rules and Procedures. The Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall cause a record of its proceedings to be maintained which shall be open to public inspection.

Oaths, etc

Section 505 Administering Oaths. Subpoenas Each member of the Council shall have the power to administer

oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable.

Citizen participation

Section 506. Citizen Participation. No citizen shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council or any City advisory board, commission or committee.

Article VI

Legislation

Ordinances

Section 600. Enactment of Ordinances and Resolutions. Legislative action shall be taken by the Council only by means of an ordinance or resolution. When so provided by this Charter, or by law, the rights and powers conferred upon the Council shall be exercised by ordinance. Each act of the Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance. The enacting clause of all ordinances shall be substantially as follows: "The Council of the City of Fresno does ordain as follows".

Each ordinance shall be introduced in writing. With the sole exception of emergency ordinances referred to in this article, no ordinance shall be adopted by the Council on the day of its introduction, nor within six days thereafter, nor at any time other than a regular or adjourned regular meeting. At the time of the adoption of an ordinance or a written resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by the Council. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than six days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Vote

Section 601. Vote Required. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council unless otherwise provided in this Charter

Roll call

Section 602. Roll Call Vote At the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the

roll and shall cause the ayes and noes taken on such questions to be entered in the minutes of the meeting.

Emergency

Section 603. Emergency Ordinances. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

Attestation

Section 604. Signature and Attestation. All ordinances and resolutions shall be attested by the City Clerk and when required by law, shall be signed by the Mayor.

Effective date

Section 605. Effective Date of Ordinances. No ordinance adopted by the Council shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided in this Charter;

(e) An ordinance annexing areas to the City; or

(f) An ordinance providing for a tax levy or an appropriation for the usual current expenses and outlays of the City.

Amendment

Section 606. Amendment of Ordinances. The amendment of any section or subsection of an ordinance may be accomplished solely by the re-enactment of such section or subsection at length, as amended.

Codification

Section 607. Codification of Ordinances The Council shall cause to be classified and codified under appropriate heads all general ordinances in force and cause the same to be printed in book, pamphlet, or looseleaf form for the use of the City, its officers, and the public.

Violation

Section 608. Ordinances, Violation Penalty. The Council may make the violation of its ordinances a misdemeanor which may be prosecuted in the name of the People of the State of California, or may be redressed by civil action and may prescribe punishment for such violations by a fine not to exceed one thousand dollars ($1000) or by imprisonment not to exceed one year, or by both such fine and imprisonment.

Article VII

Chief Administrative Officer

Chief administrative officer

Section 700 Administrative Position. There shall be a Chief Administrative Officer who shall be head of the administrative branch of the City government.

Qualifications

Section 701. Qualifications. The Chief Administrative Officer shall be appointed solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office as hereinafter set forth. He shall have at least five years' experience as the administrative head or assistant administrative head of a city, or he shall have had equivalent experience in the direction and supervision of other governmental, private business, or industrial activities of comparable importance and magnitude. He need not be a resident of the City or State at the time of his appointment, but during his tenure of office, he shall reside in the City of Fresno. No resident of the County of Fresno at the time this Charter becomes fully operative shall be appointed Chief Administrative Officer within twelve months thereafter.

Appointment

Section 702. Appointment and Removal. The Chief Administrative Officer shall be appointed by a majority vote of the Council. Such appointment must be made within ninety days after the first election held under this Charter and within ninety days after any subsequent vacancy occurs in the office If such an officer is not appointed within the specified period of time, the salary or other compensation of each member of the Council shall cease until the vacancy is filled.

Removal

The Chief Administrative Officer may be removed from office by the majority vote of the Council in the following manner: At least thirty days before his removal shall become effective, the Council shall by majority vote adopt a resolution of intention to discharge the Chief Administrative Officer which shall set forth the reasons for his removal. By such resolution the Council may suspend the Chief Administrative Officer from duty pending his removal. The Chief Administrative Officer may reply in writing within one week thereafter, and at his request, he shall be granted an opportunity to speak in his own behalf at the next regular meeting of the Council. Thirty days after the adoption of the resolution of intention, and after a full consideration of the matter, the Council may adopt a final resolution of removal.

Resignation

Section 703. Resignation. Before resigning his position, it shall be the duty of the Chief Administrative Officer to give the Council at least thirty days' notice in writing of his intention to resign, stating the reasons therefor.

Compensation

Section 704. Compensation. The Chief Administrative Officer shall be paid a salary commensurate with his responsibilities as Chief Administrative Officer of the City which salary shall be established by the Council. In the event of his removal from office, the Chief Administrative Officer shall be paid his salary through thirty days following the date of his removal.

Powers and duties

Section 705. Powers and Duties. The Chief Administrative Officer shall be the Chief Executive Officer of the City. He shall be responsible to the Council for the proper administra-

tion of all affairs of the City not otherwise assigned in this Charter. He shall have the power and be required to:

(a) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are executed and enforced;

(b) Exercise control over all departments, offices and agencies under his jurisdiction;

(c) Advise the Council concerning the creation, organization, conduct, operation, alteration or abolition of the various departments, offices and agencies of the City government;

(d) Appoint, and he may suspend or remove, subject to the Civil Service System provisions of this Charter, all department heads and officers of the City except elective officers and officers the power of whose appointment is vested by this Charter in the Council, provided, however, that the appointment, removal and suspension of the Controller shall be subject to the approval of the Council; approve or disapprove all proposed appointments and removals of deputies, assistants and subordinate employees by department heads or officers, and such appointments and removals by department heads or officers shall be subject to his approval.

(e) Prepare the budget annually for submission to the Council and administer the same after adoption;

(f) Establish such financial and accounting records and procedures as will reflect the current financial status of all municipal activities;

(g) Establish a central purchasing system for all City offices, departments and agencies;

(h) Keep the Council advised of the financial affairs and conditions and future needs of the City and make recommendations to the Council concerning the administration of City affairs;

(i) Prepare and submit to the Council reports in answer to requests for information made to him by the Council;

(j) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter;

(k) Attend all meetings of the Council, unless excused therefrom, with the right to participate in its deliberations but without a vote.

Interference in administrative service

Section 706. Interference in Administrative Service. Neither the Mayor nor the Council except by official action taken in policy matters, nor any of its members shall interfere with the execution by the Chief Administrative Officer of his powers and duties, or order, directly or indirectly, the appointment by the Chief Administrative Officer or by any of the department heads in the administrative service of the City, of any person to an office or employment or his removal therefrom Except for the purpose of inquiry, the Mayor, the Council and its members shall deal with the administrative service under the Chief Administrative Officer solely through the Chief Administrative Officer and neither the Mayor nor the

Council nor any member thereof shall give orders to any subordinates of the Chief Administrative Officer, either publicly or privately.

Chief Administrative Officer pro Tempore

Section 707. Chief Administrative Officer Pro Tempore. The Council shall appoint by majority vote a Chief Administrative Officer Pro Tempore to serve during the absence of the Chief Administrative Officer from the City or while he is unable to perform his duties or during any vacancy in his office.

Article VIII

Officers and Employees

Appointed officers

Section 800. Officers to Be Appointed by the Council. In addition to the Chief Administrative Officer, there shall be a City Attorney and a City Clerk who shall be appointed by and serve at the pleasure of the Council, but who may be removed only by a majority vote of the entire Council.

Administrative departments

Section 801. Administrative Departments. The Council shall provide by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices established by this Charter, and for the creation of departments, divisions, offices and agencies, and for their consolidation, alteration or abolition.

The Council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. No office provided in this Charter to be filled by appointment by the Chief Administrative Officer may be consolidated with an office to be filled by appointment by the Council. The Council, subject to the provisions of this Charter, shall provide for the number, titles, qualifications, powers, duties and compensation of all appointive officers and employees.

City Clerk

Section 802. City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose and attend all meetings of the Council either in person or by deputy;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;

(c) Maintain separate files of all written contracts and official bonds of the City with appropriate indexes thereto;

(d) Be the custodian of the seal of the City;

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(f) Be ex-officio Assessor, unless the Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by County officers, or unless the Council by ordinance provides otherwise.

City Attorney

Section 803. City Attorney. Powers and Duties. To become eligible for City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least five years prior to his appointment. The City Attorney shall have power and may be required to:

(a) Represent and advise the Council and all City officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, including the prosecution of violations of this Charter and ordinances enacted by the Council, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party for any act arising out of his employment or by reason of his official capacity provided the interest of the City in such action or proceeding is not adversely affected;

(c) Attend all regular meetings of the Council and give his advice or opinion in writing whenever requested to do so by the Council or by any of the boards or officers of the City;

(d) Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto;

(f) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs;

(g) The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

City Controller

Section 804. City Controller. There shall be a Controller appointed by the Chief Administrative Officer with the approval of the Council who shall have power and shall be required to:

(a) Have charge of the Finance Department and of the administration of the financial affairs of the City under the direction of the Chief Administrative Officer;

(b) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded;

(c) Submit to the Council through the Chief Administrative Officer a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report;

(d) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

Section 805. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Department heads

Section 806. Department Heads. Appointment Powers. Each department head and officer authorized by the Charter shall have the power to appoint, suspend or remove such deputies, assistants and subordinate employees as are provided for by the Council for his department or office, subject to the approval of the Chief Administrative Officer, the provisions of this Charter and of the Civil Service System as adopted hereunder.

Nepotism

Section 807. Nepotism. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such Council, nor shall any department head or other officer having appointive power or other supervising employee as defined by ordinance appoint any relative of his within such degree to any such position.

Official bonds

Section 808 Official Bonds. The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Salaries

Section 809 Salaries and Wages. Compensation of officers and employees of the City except where this Charter provides that no salary shall be paid, shall be fixed by the Council as it may from time to time determine; provided further, that City employees shall be paid not less than the prevailing wage paid in private employment in the City of Fresno in the job or position in which said employees work and the City shall not require its employees to work longer hours for the same wage than workers in private employment in said City work for such wage in like employment; provided that the monthly salaries of the members of the police and fire departments of the City shall be fixed annually at an amount not less than the average monthly salaries, including increased cost of living bonuses, or whatsoever other name known, paid or approved for payment to members of like or comparable grade or rank of the police and fire departments of the cities of Pasadena, Glendale, San Jose, Stockton, Sacramento, Berkeley, Richmond and Alameda

as of July 1 of the new budget year, provided, however, if any of such monthly salaries of the foregoing cities shall be revised between July 1 and July 31 establishing salaries effective as of July 1 of the new budget year, then such revised salaries shall be used in determining the said average monthly salaries of the aforesaid members of the police and fire departments and said average salaries so determined shall be made retroactive from July 1 of the new budget year. For the purpose of this section, "salaries" shall not include vacation, sick leave, pensions, disability payments or other similar benefits, but shall include only the monthly salaries and increased cost of living bonuses, or whatsoever other name known, fixed by ordinance or resolution of said cities.

Notwithstanding any of the other provisions of this Charter, whenever any groups or crafts establish a rate of pay for such groups or crafts through collective bargaining agreements with employers employing such groups or crafts, and such rate is recognized and paid throughout the industry and the establishments employing such groups or crafts in the City of Fresno and the Civil Service Board shall certify that such rate is generally prevailing for such groups or crafts in private employment in the City of Fresno pursuant to collective bargaining agreements, the Council shall have the power and it shall be its duty to fix such rate of pay as the compensations for such groups and crafts engaged in the City service. The rate of pay so fixed by the Council shall be determined on the basis of rates of pay effective as of July 1 of the new budget year in such groups or crafts, provided, however, if such rates of pay for any group or craft shall be revised in collective bargaining agreements executed between July 1 and July 31 establishing rates of pay, then such revision shall be used in determining the said rates of pay for said groups and crafts and the rates of pay so determined shall be made retroactive from July 1 of the new budget year.

The foregoing provisions pertaining to rates of pay for groups and crafts through collective bargaining agreements shall not become effective until July 1, 1958.

Hours of work

Section 810. Hours of Work. Except in case of extraordinary emergency, eight hours per day for not more than five days per week shall constitute a week's work for all employees of the City of Fresno except members of the City fire fighting force who shall be required to work, on a twenty-four hour day basis, not more than sixty hours per week on an average, said average to be determined in multiples not to exceed ninety days.

Holidays

Section 811. Holidays All employees shall be entitled to or shall receive credit for all legal holidays during each fiscal year without loss of compensation.

Status of existing employees

Section 812 Status of Existing Employees. Persons employed by the City at the time this Charter becomes fully operative, except elective officers and members of appointive boards, commissions, and committees, holding positions the

same in substance as positions established or continued in the plan of organization provided under this Charter or by ordinance not inconsistent therewith and who have completed the period of probationary employment under the preceding Charter provisions and Civil Service rules or have served satisfactorily an equivalent period of time in positions not subject to probationary employment, shall have the right to remain in such positions or other positions of like duties, responsibilities and authority until promoted, removed, or reduced in rank in accordance with the provisions of this Charter. Any rights previously accumulated by a person under probationary status shall be retained.

Any officer or employee of the City who is appointed to or continued in a position as Department Head and is subsequently removed therefrom, except for malfeasance or misconduct, shall revert to his former position without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously. Should such person be eligible for retirement under the retirement or pension system, he shall upon recommendation of the Chief Administrative Officer be retired instead of being restored to his former position.

The rights of employees relating to accrued sick leave and vacation or the validity of eligible lists created by virtue of Charter or Civil Service provisions in effect at the time this Charter becomes fully operative shall continue until exhausted pursuant to such provisions.

Political activities

Section 813. Political Activities No person holding any position in the Administrative Service, or on an eligible list for appointment to the Administrative Service, shall take an active part in any City political campaign or contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any City office. Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office. Upon becoming a candidate for public office, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no person in the Administrative Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race, sex or religious belief.

No officer or employee of the City and no candidate for any City office shall, directly or indirectly, solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on the eligible lists or holding any position in the Administrative Service.

Article IX

Boards and Commissions

Boards and commissions

Section 900 In General. There shall be such boards and commissions as are hereinafter established which shall have the powers and duties herein stated. The Council may create by ordinance additional boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Appropriations

Section 901. Appropriations The Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Appointments

Section 902. Appointments. Terms. The members of each of such boards or commissions shall be appointed by the Mayor with the approval of the Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. They shall be subject to removal by motion of the Council adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the paring of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Existing boards and commissions

Section 903. Existing Boards and Commissions. The respective terms of office of all members of the boards and commissions in existence at the time this Charter becomes fully operative shall terminate

Meetings

Section 904. Meetings. Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public

Except as may be otherwise provided in this Charter, the Chief Administrative Officer shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the

City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

Compensation

Section 905. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such unless the Council shall otherwise provide, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Vacancies

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Mayor with the approval of the Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a felony, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the Council.

Planning commission

Section 906. Planning Commission. Established. There shall be a Planning Commission consisting of seven members. Such City officers and employees as shall be designated by the Chief Administrative Officer shall meet with and participate in the discussions of the Planning Commission but shall not have a vote.

Powers

Section 907. Planning Commission. The Planning Commission shall have the power and duty to:

(a) After a public hearing thereon, recommend to the Council the adoption, amendment or repeal of the Master Plan, or any part thereof, for the physical development of the City;

(b) Exercise such control over land subdivisions as is granted to it by the Council;

(c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City;

(d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance, not inconsistent with the provisions of this Charter.

Civil Service Board

Section 908. Civil Service Board. The Civil Service Board shall consist of three members, none of whom while a member of the Board, or for a period of one year after he has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment in the service of the City.

Powers

Section 909. Civil Service Board. Powers and Duties. The Civil Service Board shall have the power and duty to:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of Civil Service rules and regulations;

(b) Act in an advisory capacity to the Council on problems concerning personnel administration;

(c) Hear grievances of any person in the City employment relative to any suspension, demotion or dismissal and make findings and recommendations thereon which shall be advisory to the Council;

(d) Make any investigation which it may consider desirable concerning the conditions of employment and the administration of personnel in the municipal service and report its findings to the Council;

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Retirement boards

Section 910. Retirement and/or Pension Boards. Notwithstanding any other provisions in this Charter, the Fire and Police Retirement Board and the Employees' Retirement Board shall each consist of five members, two members elected by and from the City employees affected, two members chosen by and from the Council, one of whom shall be the Mayor, and the fifth member chosen by the previously designated four members. The members of such boards shall be removable only by the appointing or electing authority.

Article X

Civil Service System

Civil service system

Section 1000. Unclassified and Classified Service. The Administrative Service of the City shall be divided into Unclassified and Classified Service:

Unclassified service

(a) The Unclassified Service shall comprise the following officers and positions:

(1) All elected officers;

(2) The Chief Administrative Officer, his deputies, if any, the City Clerk, the City Attorney and his deputies, if any, the Controller, and the heads of the following departments when such departments are created by the Council: Public Works Department, Utilities Department, Personnel Department, Parks and Recreation Department; Civil Defense Department;

(3) All members of boards and commissions;

(4) Positions in any class or grade created for special or temporary purposes for a period of not longer than ninety days in any one fiscal year;

(5) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character;

(6) Part-time employees paid on an hourly or per diem basis.

Classified service

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Section 1001. Merit Principle. All appointments to and promotions within the Classified Service shall be based upon

efficiency and fitness which shall be ascertained by means of recognized personnel selection techniques.

Suspension, demotion, etc

Section 1002. Suspension, Demotion and Dismissal. Except as otherwise provided in this Charter, an officer or employee holding a position in the classified service may be suspended without pay, demoted or removed from his position for malfeasance, misconduct, incompetence, inefficiency or for failure to perform the duties of his position or to observe the established rules and regulations in relation thereto, or to cooperate reasonably with his superiors or fellow employees, but subject to the right to a hearing before the Civil Service Board in the manner set forth herein.

An officer or employee suspended, demoted, or removed shall be given in writing the reasons for his suspension, demotion or removal. He shall be allowed a reasonable time for answering the same and may demand a public hearing upon the charges before the Civil Service Board, such hearing to be held in accordance with procedures established therefor. Hearings may be conducted informally and the technical rules of evidence need not apply but the officer or employee whose suspension, demotion or removal is sought may be heard in person, be permitted to be represented by counsel and to produce testimony in his own behalf.

The findings of the Civil Service Board with respect to the above hearing shall be transmitted to the Council for final decision.

Article XI

Retirement

Retirement

Section 1100. Retirement System. The Council shall by ordinance provide for and establish a fund or funds for the relief and pensioning of all employees of the City of Fresno, except elective officers and part-time employees, who have been disabled or become superannuated in the service of the City and shall provide for the administration of such fund or funds; provided, however, that retirement benefits established by any ordinance existing at the effective date of this Charter shall not be reduced, decreased or diminished.

Veterans

Section 1101. Veterans. Notwithstanding any provision of law, any member of the Administrative Service of the City of Fresno who enters or shall have heretofore entered the armed services of the United States or the State of California during time of war or during any emergency declared by the president of the United States while so employed, and shall have been honorably discharged therefrom and thereupon returned to such employment within a reasonable time, after the termination of such war or emergency, shall for all purposes of any pension or retirement ordinance now or hereafter in effect, be entitled to have such time as he may have served in such armed forces deemed as service to the City of Fresno at the rate of compensation received immediately prior to his

entry into such armed service. However, no contribution toward any pension or retirement fund shall be required of such person for the time spent in such armed forces.

The provisions of this section shall be cumulative to any provisions of law enacted by the State of California or the United States relating to the re-employment of persons entering the armed forces of the United States or of the State of California.

Article XII

Fiscal Administration

Tax system

Section 1200. Tax System. For the purpose of municipal property taxation, the City may continue to use the County system of assessment, tax collection and deposit as such system is now in effect or may hereafter be amended and insofar as such provision is not in conflict with this Charter.

Should there arise any reason whatsoever that prevents the City from using the County system, the Council shall provide by ordinance a system for the assessment, collection and deposit of municipal property taxes.

Fiscal year

Section 1201. Fiscal Year. The fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Annual budget

Section 1202. Annual Budget. Preparation by Chief Administrative Officer. At such date as the Chief Administrative Officer shall determine, each department head shall furnish to the Chief Administrative Officer estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the Chief Administrative Officer. In preparing the proposed budget, the Chief Administrative Officer shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as he may deem advisable.

Section 1203. Budget, Submission to Council. At least thirty days prior to the beginning of each fiscal year, the Chief Administrative Officer shall submit to the Council the proposed budget as prepared by him. After reviewing same and making such revisions as the Council may deem advisable, the Chief Administrative Officer shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in a newspaper of general circulation within the City.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Public hearing

Section 1204. Budget, Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1205. Budget, Further Consideration and Adoption. After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before July 31, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Appropriations

Section 1206. Budget, Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget.

Tax levy

Section 1207. Tax Levy. On or before the last Tuesday in August in each year, the Council shall, by ordinance, levy such tax as may be necessary to meet the appropriations made (less the estimated amount of revenue from other sources), and all sums required by law to be raised on account of the City debt and interest thereon, together with such addition, not exceeding five per cent, as may be deemed necessary to meet commissions, fees and deficiencies from the estimates in the amount of taxes collected

Competitive bidding

Section 1208. Competitive Bidding. Every contract involving an expenditure of City moneys of more than twenty-five hundred dollars ($2500) for materials, supplies, equipment or for public works construction shall be let to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the City by one or more insertions, the first of which shall be at least seven days before time for opening bids The Council may reject any and all bids presented and may readvertise in its discretion. Such contracts may be let without advertising for bids, if such purchase shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting the urgency.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made pay-

able to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of the bidder's security may be declared forfeited to the City and may be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The provisions of this section shall not apply to work done by the City with its own personnel and/or equipment, or to materials, supplies or equipment obtained or purchased from any governmental agency.

All bids shall be submitted in a sealed envelope and shall be filed with the officer in charge of the purchasing function no later than the opening time specified in the notice inviting bids, who shall receive and be custodian of such bids and keep the same confidential until they are opened and declared.

All bids received shall be publicly opened and declared at the time and at the place fixed in the notice inviting bids.

Thereafter, the bids shall be tabulated and analyzed by the officer in charge of the purchasing function, who shall submit them, together with recommendations thereon, to the Chief Administrative Officer. The Chief Administrative Officer shall review the bids and submit them to the Council, along with his recommendations, at the next regular meeting of the Council

The Council shall have the right to waive any informality or minor irregularity in a bid.

Cash Basis Fund

Section 1209. Cash Basis Fund. The Council may maintain a revolving fund, to be known as the "Cash Basis Fund", for the purpose of placing the payment of the running expenses of the City on a cash basis when so maintained. A reserve shall be built up in this fund from any available sources in an amount which the Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Temporary loans

Section 1210. Temporary Loans. Money may be borrowed in anticipation of the receipts from taxes during any fiscal year, by the issue of notes, certificates of indebtedness or revenue bonds; but the aggregate amount of such loans at any time outstanding shall not exceed twenty-five per cent of the receipts from taxes during the preceding fiscal year; and all

such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued.

Capital Outlays Fund

Section 1211. Capital Outlays Fund. A fund for capital outlays, generally, is hereby created, to be known as the "Capital Outlays Fund". The Council may create by ordinance a special fund or funds for a special capital outlay purpose. The Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy; provided, however, that the tax rate for capital outlay purposes does not exceed twenty cents (20¢) in any one year.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any capital outlay fund has been created has been accomplished, the Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Unappropriated Reserve Fund

Section 1212. Unappropriated Reserve Fund. The Council shall establish a fund known as the "Unappropriated Reserve Fund" for the purpose of meeting unforeseen contingencies and emergencies of the City for such amount as established by the Council. Said fund shall remain in tact except by the affirmative vote of at least five members of the Council with a statement declaring the reason for its use.

Bonded debt limit

Section 1213. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of twenty per cent of the total assessed valuation for purposes of City taxation of all the real and personal property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in substantial compliance with the provisions of the State Constitution and of this Charter.

Presentation of demands

Section 1214. Presentation of Demands. All claims for damages against the City must be verified and presented to the City Clerk within ninety days after the occurrence, event or transaction from which the damages allegedly arose, or

within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be processed in accordance with procedure established by the Council.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Controller within six months after the last item of the account or claim accrued.

The Controller shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the Chief Administrative Officer. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the Chief Administrative Officer, otherwise it shall require the approval of the Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the Chief Administrative Officer to approve any demand, in whole or in part, may present the same to the Council which, after examining into the matter, may approve or reject the demand in whole or in part.

Actions against city

Section 1215. Actions Against the City. No suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof.

Independent audit

Section 1216. Independent Audit. The Council shall employ at the beginning of each fiscal year a public accountant who shall, at such time or times as may be specified by the Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the Chief Administrative Officer, Controller, Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

Registering warrants

Section 1217. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and

shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Municipal utilities

Section 1218. Municipally Owned Utilities. The Council through the Chief Administrative Officer shall endeavor to make each municipally owned utility financially selfsustaining. After providing for depreciation reserves and amortization of general obligation and revenue bonds issued for such utility and for reasonable accumulation of reserves for improvement and expansion, and for deposits into special funds created to secure revenue bonds issued for such utility, each utility shall apply all annual profits thereafter remaining to rate reductions, subject to any limitations on the application of such profits or on rate reductions contained in any resolution of the Council relating to the issuance of revenue bonds for such utility. No municipally owned utility shall be operated for the benefit of other municipal functions nor be used directly or indirectly as a general revenue-producing agency for the City, but may pay to the City such amounts of money, in lieu of property and other taxes normally placed upon private business enterprises, as the Council may provide by ordinance and may also pay to the City for any lawful purpose such amounts of surplus annual profits as may be permitted by the provisions of any resolution of the Council relating to the issuance of revenue bonds.

Off-street parking

Section 1219. Off-street Vehicular Parking. That the City of Fresno, in addition to all other powers elsewhere enumerated in this Charter, shall have the power to acquire (whether by purchase, lease, eminent domain or otherwise) construct, establish, improve, extend, maintain, operate, administer, lease, sub-lease and let off-street vehicular parking facilities and places within the City of Fresno in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants thereof.

Without limiting the generality of the next preceding paragraph, the City shall have the power:

(a) To acquire lands and property and rights-of-way necessary and convenient for use as parking places;

(b) To acquire lands and property and rights-of-way necessary and convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress or egress from any parking place herein established;

(c) To acquire by condemnation, purchase, or gift any property or any interest therein. Any lands or property necessary or convenient for off-street vehicular parking places may be acquired in fee simple by condemnation or otherwise;

(d) To improve any lands acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for off-street vehicular parking purposes;

(e) To collect fees or charges to pay all or any part of purchasing, improving, repairing or operating off-street vehicular parking. To establish and regulate rates and charges for all services provided the users of such facilities;

(f) To establish funds for such system or systems and place limitations upon the use of moneys therefrom;

(g) To establish off-street vehicular parking places only within the City of Fresno;

(h) To make all necessary rules and regulations regarding the operation and maintenance of off-street vehicular parking facilities;

(i) To issue revenue bonds and refunding revenue bonds for the purchase, acquisition, construction, improvement, operation and maintenance of any and all off-street vehicular parking facilities so acquired and to evidence such obligation for payment, discharge and retirement of the cost of such facilities, improvements and projects by the issuance of revenue bonds therefor, including refunding revenue bonds, in negotiable or non-negotiable form and payable solely out of the revenue derived from the operation, and control of such off-street vehicular parking facilities, in accordance with the procedure established by Section 1222 of this Charter; Revenue bonds

(j) To bind, allocate, pledge and authorize payment of all or any part of the net revenues collected from the establishment and operation of parking meters within this city for periods of years for the payment of operation and maintenance costs of such off-street vehicular parking facilities and principal and interest on all revenue bonds issued and outstanding, until all of such bonds have been fully paid;

(k) To do any and all acts or things necessary or appropriate to carry out the purpose of this section.

Section 1220. Airport Facilities. The City of Fresno shall have the power to acquire (whether by lease, purchase, eminent domain or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease, sub-lease and let airport facilities, including but not limited to runways, hangars, warehouses, buildings for the repair or manufacture of airplanes or airplane parts, control towers, traffic control devices and administration facilities within or without the City of Fresno to promote and facilitate air traffic and promote the welfare of the citizens and inhabitants thereof. Airport facilities

Without limiting the generality of the next preceding paragraph, the City shall have the power:

(a) To acquire lands and property and rights-of-way necessary and convenient for use for airport purposes;

(b) To acquire by condemnation, purchase, or gift any property or any interest therein;

(c) To improve any lands acquired by the construction thereon of runways, hangars, warehouses, buildings for the repair or manufacture of airplanes or airplane parts, or other buildings or improvements necessary or convenient for airport purposes;

(d) To collect fees, rentals or charges to pay all or any part of purchasing, improving, repairing or operating airport facilities; to establish and regulate rentals, rates and charges for all services provided the users of such facilities;

(e) To establish funds for any or all such facilities and place limitations upon the uses of the money therefrom;

(f) To make all necessary rules and regulations regarding the operation and maintenance of airport facilities or properties;

Revenue bonds

(g) To issue revenue bonds and refunding revenue bonds for the purchase, acquisition, construction, improvement, extension, operation or maintenance of any and all airport facilities so acquired and to evidence such obligation for payment, discharge and retirement of the cost of such facilities, improvements and projects by the issuance of revenue bonds therefor, including refunding revenue bonds, in negotiable or non-negotiable form and payable solely out of the revenue derived from the operation, control or leasing of such airport facilities or properties or any part thereof, in accordance with the procedure established by Section 1222 of this Charter;

(h) To bind, allocate, pledge and authorize payment of all or any part of the gross revenues collected from airport operations or from lands owned or held for airport purposes of every kind and nature for periods of years, for the payment of operation and maintenance costs of such airport facilities and principal and interest on all revenue bonds or refunding revenue bonds issued and outstanding until all such bonds have been fully paid;

(i) To do any and all acts or things necessary or appropriate to carry out the purposes of this section.

Other utilities

Section 1221. Other Revenue-Producing Utilities. The City of Fresno shall have power to acquire (whether by lease, purchase, eminent domain or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease, sublease and sublet any revenue-producing utility, including any and all improvements, buildings, systems, plants, works, facilities or undertakings used or useful in

(i) the obtaining, conserving, treating, and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private uses;

(ii) the collection, treatment or disposal of garbage or other solid waste matter;

(iii) the collection, treatment or disposal of sewage, liquid industrial waste matter, or waste or storm water, including drainage.

Each such utility shall include all parts thereof, whether now in existence or hereafter constructed or acquired, and all improvements and extensions thereof hereafter acquired, and all lands, easements, rights-of-way, water rights, licenses, franchises, equipment, improvements or facilities whatsoever appurtenant or relating thereto, within or without the City of Fresno to promote the welfare of the citizens and inhabitants thereof.

Without limiting the generality of the next preceding paragraph, the City shall have power:

(a) To acquire lands and property and rights-of-way and any rights, licenses or franchises necessary or convenient for use for a revenue-producing utility;

(b) To acquire by condemnation, purchase or gift any property or interest therein;

(c) To improve any lands acquired by any construction necessary or convenient for the purposes of any such utility;

(d) To collect fees, rentals or charges to pay all or any part of purchasing, improving, or operating any such utility; and to establish and regulate rentals, rates and charges for all services provided the users of any such utility;

(e) To establish funds for any such utility and place limitations upon the uses of the money therefrom;

(f) To make all necessary rules and regulations regarding the use, operation and maintenance of any such utility;

(g) To issue revenue bonds and refunding revenue bonds for the purchase, acquisition, construction, improvement, extension, operation or maintenance of any such utility and to evidence such obligation for payment, discharge and retirement of the cost of such facilities, improvements and projects by the issuance of revenue bonds therefor, including refunding revenue bonds, in negotiable or non-negotiable form and payable solely out of the revenue derived from the operation, control or leasing of all or any part of any such utility, in accordance with the procedure established by Section 1222 of this Charter;

(h) To bind, allocate, pledge and authorize payment of all or any part of the gross revenues of any such utility or of any improvement or extension thereof for periods of years, for the payment of operation and maintenance costs of such utility and principal and interest on all revenue bonds or refunding revenue bonds issued and outstanding until all such bonds have been fully paid;

(i) To do any and all acts or things necessary or appropriate to carry out the purposes of this section.

Revenue bonds

Section 1222. Revenue Bonds. Revenue bonds may be authorized by the Council of the City of Fresno by resolution of five affirmative votes of the Council at a duly assembled meeting. All such revenue bonds so issued shall contain a recital on their face that neither the payment of the principal of or interest thereon constitutes a debt, liability or obligation of the City of Fresno, except as provided in this section. All such revenue bonds shall be payable either (a) exclusively from the revenues derived from the operation of off-street vehicular parking facilities and revenues from parking meters, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds, or (b) exclusively from the revenues derived from the operation of airport facilities or properties, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds, or (c) exclusively from the revenues derived from the operation of any revenue-producing utility referred to in Section 1221

of this Charter, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds, in accordance with the terms of the resolution under which said revenue bonds are authorized to be issued. Reference on the face of such revenue bonds to such resolution by its date of adoption shall be sufficient to incorporate all of the provisions thereof into the body of said revenue bonds and their appurtenant coupons. Each taker and subsequent holder of said revenue bonds or coupons, whether such coupons are attached to or detached from said revenue bonds, shall have recourse to all of the provisions of such resolution and shall be bound thereby.

1. The Council of the City of Fresno shall have power and is hereby authorized:

Amount of bonds

(a) To fix the aggregate principal amount of all revenue bonds which may from time to time be issued for any purpose authorized by this section; to prescribe the purpose or purposes for which the same may be issued and to provide for the issuance of additional bonds and the security therefor;

Form

(b) To prescribe the form and denomination of the revenue bonds and the terms and conditions upon which the same shall be issued, paid and retired. Revenue bonds may be issued in one or more series; may bear such date or dates; may mature at such time or times not exceeding forty years from their respective dates (provided that if any authorized issue of revenue bonds is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue); may be in the form of serial bonds or sinking fund bonds with serial or term maturities; may bear interest at a rate or rates not exceeding six per cent per annum, payable annually or semiannually; may be in such denomination or denominations and in such form, either coupon or registered; may carry such registration or conversion privileges; may be executed in such manner; may be payable in such medium of payment and at such place or places within or without the State of California; may be subject to such terms of redemption with or without premium provided that no such premium shall be in excess of six per cent of the par value of such revenue bonds and provided further that none of such revenue bonds shall be subject to call or redemption prior to their fixed maturity date unless the right to exercise such call is expressly stated on the face of the bonds; all as provided in such resolution or resolutions of said Council; provided further, that all revenue bonds maturing subsequent to five years from their date may be issued as callable bonds, subject to redemption at the option of the City upon such terms as the Council shall determine;

(c) To provide, in and by the resolution or resolutions authorizing the issuance, the terms and conditions upon which

all such revenue bonds issued thereunder may be declared or become due and payable in the event of said defaults, if any, as may be specified in said resolution; may also provide for the replacement of mutilated, destroyed, stolen or lost bonds;

(d) To provide in and by such resolution for the authentication and execution of revenue bonds by manual, lithographed or mechanically reproduced facsimile signatures of any officers of the Council and also to provide for additional authentication of such revenue bonds by any trustee or fiscal agent appointed by said Council. If any of the officers whose signatures on bonds or coupons cease to be officers before the delivery of said revenue bonds or coupons to the purchasers thereof, their signatures or counter-signatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the revenue bonds and coupons;

(e) To provide by resolution, pending the preparation of the definitive bonds, for the issuance of interim receipts or temporary bonds exchangeable for definitive bonds when such definitive bonds are ready for delivery in such form and with such provisions as may be provided in said resolution and further to provide that notwithstanding the form or tenor of such interim receipts or temporary bonds that such interim receipts, temporary bonds and also all revenue bonds shall at all times be, and be treated as, negotiable instruments for all purposes;

(f) To provide that the proceeds of the sale of said revenue bonds shall be applied to the payment of all costs and expenses to be incurred in connection with the issuance of said bonds, including fiscal agents, and legal expenses, working capital and interest, which it is estimated will accrue during the construction period and for not exceeding six months thereafter on money borrowed or which it is estimated will be borrowed through the issuance of such revenue bonds.

2. Revenue bonds authorized hereby may be sold by the Council from time to time in such manner as the Council may determine and at a price below the par value thereof; provided that the maximum net interest cost on revenue bonds sold below par or face value shall not exceed an average of six per cent per annum, payable annually or semiannually, to the respective maturity dates of said revenue bonds as determined by standard tables of bond values. Sale

3. The Council shall have authority to provide for the issuance, sale or exchange of refunding revenue bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Charter subject to any limitations contained in the resolution providing for the issuance of such revenue bonds. All provisions of this section applicable to the issuance of revenue bonds are hereby made applicable to the issuance of refunding bonds and to the sale or exchange thereof. Refunding revenue bonds may be issued in the principal amount sufficient to provide funds for the payment of all revenue bonds

to be refunded thereby and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding revenue bonds in the issuance of such refunding bonds Such expenses may include any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the revenue bonds to be refunded and also the premium, if any, necessary to be paid in order to call and retire the outstanding revenue bonds and the interest accruing thereon to the call date.

Security

4. All revenue bonds issued by the Council shall be secured by a lien upon the gross revenue of the project for the acquisition, construction and completion of which said revenue bonds are to be issued, and (a) in the case of revenue bonds for off-street vehicular parking facilities, revenues from parking meters, as shall be more fully described in the resolution of the Council authorizing the issuance of said bonds, and said Council shall have power in and by such resolution to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, as well as the revenues of any existing off-street vehicular parking project operated or controlled by said City of Fresno and also any sums allocated by the Council from the operation of parking meters to the revenue bond fund for payment of expenses, principal and interest of the revenue bonds, or (b) in the case of revenue bonds for airport facilities, revenues of any existing airport facilities or properties operated or controlled by the City of Fresno and of any improvements and extensions thereof thereafter constructed or acquired as shall be more fully described in the resolution of the Council authorizing the issuance of said bonds, and said Council shall have power in and by such resolution to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, and also any sums allocated by the Council from the gross revenues collected from any existing airport facilities or properties, including revenues from improvements and extensions thereof thereafter constructed or acquired, to the revenue bond fund for payment of expenses, or for the payment or security of the principal of and interest on the revenue bonds, or (c) in the case of revenue bonds for any other revenue-producing utility, revenues of any existing portion or portions of such utility operated or controlled by the City of Fresno and of any improvements or extensions thereof thereafter constructed or acquired as shall be more fully described in the resolution of the Council authorizing the issuance of said bonds, and said Council shall have power in and by such resolution to pledge and assign as se-

curity for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, and also any sums allocated by the Council from the gross revenues collected from any existing portion or portions of such utility, including revenues from improvements and extensions thereof thereafter constructed or acquired, to the revenue bond fund for payment of expenses, or for the payment or security of the principal of and interest on the revenue bonds. Sums required to meet the payment of interest on and principal of revenue bonds issued under this Charter shall be secured by a first, direct and exclusive charge and lien upon all revenues described in the resolution authorizing the issuance of such revenue bonds and upon all sinking funds, reserve funds, or redemption funds created for the further security of said revenue bonds and the income therefrom and all such revenues and funds and the income therefrom shall constitute a trust fund for the security and payment of such revenue bonds and shall not be used for any other purpose as long as such bonds, or any of them and the interest thereon are outstanding and unpaid, except that in the resolution providing for the issuance of said revenue bonds, there may be apportioned, so long as the interest on and principal of such revenue bonds is paid as the same becomes due and payable, together with all other charges required by such resolution for the protection of or better securing of such revenue bonds, such sums as may be specified in such resolution for the payment of maintenance and operating costs of such projects and of any existing facilities or utility the revenues of which are pledged and assigned as security for such revenue bonds, or for any other lawful purpose of the City of Fresno, but only to the extent specified and described in said resolution.

5. Any resolution of the Council providing for the issuance of revenue bonds may also, in addition to all other appropriate agreements deemed necessary or advisable by the Council, contain such covenants and agreements as it deems necessary or advisable for the better security of the revenue bonds issued thereunder. The Council is hereby authorized and empowered in and by the terms of any such resolution to covenant and agree with the holders of any of said revenue bonds so long as the same shall be outstanding as follows:

(a) That the proceeds of the sale of said revenue bonds Proceeds shall be deposited in a fund separate and apart from all other funds of the City of Fresno and shall be applied solely and exclusively to the object and purpose for which said revenue bonds are herein authorized to be issued and that any proceeds remaining unexpended after the object and purpose for which said revenue bonds are authorized to be issued shall have been completed shall be applied to the payment of principal and interest of such revenue bonds and that none of said

moneys shall be transferred to any other fund of the City of Fresno or used for any purpose other than as specified in said resolution;

Project operation

(b) That the City of Fresno shall operate or cause to be operated, all projects and properties acquired from the proceeds of the sale of said revenue bonds continuously so long as said revenue bonds are outstanding in an efficient manner and in good working order and condition, and will make all needful and necessary repairs, improvements and replacements;

Rentals, etc

(c) That the Council will establish and maintain reasonable rentals, rates, tolls and/or charges for all properties maintained, owned, operated, leased or controlled by it (including parking meters in the case of off-street parking projects), or acquired from the proceeds of the sale of revenue bonds and that such rentals, rates, tolls and/or charges shall at all times be adequate to yield annual revenue equal to all redemption payments and interest charges on said revenue bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or any other special fund provided for the security of revenue bonds or for any maintenance and operation, depreciation, reserve fund or other charges in connection with the operation of any properties of the City of Fresno, and further that such rentals, rates, tolls and/or charges shall not be reduced below an amount sufficient to provide funds to meet all obligations set forth in the resolution authorizing the issuance of such revenue bonds. No person shall be permitted to use or operate any of the facilities or properties of the City of Fresno or to make use thereof, except upon payment of the regularly established charge therefor, except only as may be provided in the resolution authorizing the issuance of such revenue bonds in the case of firemen, policemen and other essential public employees, to be specifically set forth in such resolution. All such rentals, rates, tolls and/or charges shall be paid only in such coin or currency as on the date of payment is legal payment for public or private debts, or in scrip or tokens issued only upon payment of the face value of such coin or currency. Any agreement contained in said resolution with respect to such rentals, rates, tolls and/or charges shall be binding upon the City of Fresno and upon its officers, departments and boards thereof;

Records

(d) That accurate books and records of account showing all revenues received from the operation of all properties by the City of Fresno, and all expenditures thereof, will be kept and provided, and that all books and records of the City of Fresno pertaining to the operation of such off-street vehicular parking places or airport facilities or other revenue-producing utility shall be open at all times during business hours to the inspection of the holders of one or more of the revenue bonds, or of any percentage of such holders or their duly authorized representatives as may be provided in such resolution. That annual or other periodic statements of the con-

dition of all such off-street vehicular parking properties or airport facilities or other revenue-producing utility operated by the City of Fresno will be furnished to the holders of such revenue bonds and that summaries thereof will be published at least annually in the official newspaper of the City of Fresno. The resolution providing for the issuance of revenue bonds may also provide that the books and records of the City of Fresno pertaining to the operation of such off-street vehicular parking places or airport facilities or other revenue-producing utility shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in the resolution;

(e) That no part of the said properties in the City of Fresno shall be sold, leased, mortgaged or otherwise incumbered or disposed of except upon such terms and conditions as may be defined in said resolution and that if any part of the properties of the City of Fresno shall be taken by eminent domain or other proceedings authorized by law, the proceeds therefrom shall be applied to the replacement of properties of like kind and character or to the payment and retirement of revenue bonds, or as may be set forth in said resolution;

(f) That said resolution may contain such other terms and conditions with respect to the payment of the bonds, the operation of said off-street vehicular parking facilities or airport facilities or other revenue-producing utility and properties by the City of Fresno, payment of claims, or the obtaining of insurance of any kind or character on any of said properties of the City of Fresno and the payment of the premium therefor, events of default and the rights of the holders of revenue bonds in the event thereof, the procedure under which the terms and conditions of the revenue bonds and of the resolution authorizing the issuance thereof may be amended at a meeting of the bondholders or by the written assent of bondholders without a meeting and the manner in which such consent of the bondholders may be given, either with or without a meeting, and the effect of such an amendment or modification upon the rights of all holders of the bonds and coupons and also all other agreements deemed necessary or desirable in order to secure said revenue bonds or to make the same more marketable.

Validity of bonds

6 The validity of any revenue bonds issued by the Council of the City of Fresno shall not be dependent on or affected in any way by any proceedings taken by the City of Fresno for the acquisition, construction or completion of any properties or projects for which said bonds are to be issued or any contracts made in connection with the acquisition, construction or operation of any such properties. Said revenue bonds shall be incontestable and shall by their issuance and delivery conclusively establish the due performance of all conditions precedent to their issue.

Actions

7. The City of Fresno may, at any time after the adoption of a resolution providing for the issuance of any revenue bonds

under this Charter and prior to the actual delivery of such bonds to any purchaser thereof, bring an action in the Superior Court of Fresno County to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem. The jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Fresno County, such newspaper to be designated by the Judge of the Court having jurisdiction of the proceedings. The jurisdiction shall be completed within ten days after publication of the summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such revenue bonds. Such action shall be speedily tried and judgment rendered declaring the bonds either valid or invalid. Either party shall have the right to appeal to the Supreme Court of the State of California at any time within thirty days after the entry of such judgment and such appeal shall be heard and determined by said court within three months from the time of submission thereof to said Court.

8. The provisions of this section constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council of the City of Fresno and no other procedure or proceedings, consents, approvals, orders or permission from any municipal officer or a board of the City of Fresno, shall be required for the acquisition, construction or completion of any properties or the issuance of any revenue bonds except as specifically provided in Section 1219, 1220 or 1221 of this Charter. The powers and authorities conferred by said sections of this Charter are in addition to and supplemental to all other powers and authorities conferred upon the City of Fresno. The method provided in said sections for the acquisition of properties and the issuance of revenue bonds shall be deemed an additional method for acquiring such properties and providing funds therefor, provided that the City of Fresno may, in its discretion, acquire any properties of a like or similar nature and issue general obligation bonds of the City of Fresno therefor, but subject to the conditions that the City of Fresno shall not, while any revenue bonds are issued or outstanding, acquire, construct or complete any competing projects or properties similar to those maintained or operated through the issuance of revenue bonds by the Council. Revenue bonds issued under this Charter shall not be taken into consideration in determining the bonded indebtedness which the City of Fresno is authorized to incur pursuant to vote of two-thirds of the electors thereof, as limited by Section 1213 of this Charter.

Article XIII

Franchises

Section 1300. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The Council is empowered to grant such franchise to any person, firm, corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter. Franchises

Nothing in this section, or elsewhere in this article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Section 1301. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in a newspaper of general circulation within the City. Said notice shall be published at least ten days prior to the date of hearing. Public hearing

At the time set for the hearing, or at any adjournment thereof, the Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Section 1302. Term of Franchise. Every franchise shall state the term for which it is granted, which shall not exceed fifty years. Term

Section 1303. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the Eminent domain

City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility

Railroad corporations

Section 1304. Railroad Corporations. In respect of a railroad corporation, as such term is used in Section 7555 of the Public Utilities Code of California, the term "franchise" as used in this article includes "franchise or permit" as used in said Section 7555.

Article XIV

Elections

General elections

Section 1400. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1959

Special

Section 1401 Special Municipal Elections All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

A special municipal election shall be held for the election of the first Mayor and the first Councilmen under this Charter on the second Tuesday in April following the filing of the concurrent resolution of the Legislature approving this Charter with the Secretary of State.

Procedure

Section 1402. Procedure for Holding Elections Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in general law cities so far as the same are not in conflict with this Charter.

Initiative, etc

Section 1403. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

Article XV

General Provisions

Validity of charter

Section 1500. Validity of Charter. If any provision of this Charter, or the application thereof to any person or circum-

stance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Definitions

Section 1501. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive;

(b) "City" is the City of Fresno, and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Fresno;

(c) "County" is the County of Fresno;

(d) "State" is the State of California;

(e) "Council" is the City Council of the City of Fresno;

(f) A "member of the Council" means any one of the seven members of the Council, including the Mayor;

(g) A "Councilman" means any one of the seven members of the Council other than the Mayor;

(h) "Newspaper of general circulation within the City" is as defined by Section 6000 of the Government Code of the State of California.

Violations

Section 1502. Violation. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars ($1000) or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment.

And we and each of us further certify that we have compared the foregoing proposed, adopted, and ratified charter of the City of Fresno with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, and correct and exact copy of said charter.

The foregoing proposed, adopted, and ratified charter of the City of Fresno is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

As to said Charter, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Fresno to be affixed hereto on this 1st day of May, 1957.

C. CAL EVANS
(SEAL) Commissioner of Public Safety and Welfare and ex-officio Mayor of the City of Fresno
D. E. ROUGHTON
City Clerk of the City of Fresno

and

WHEREAS, Said proposed charter, as adopted and ratified, as hereinabove set forth, has been and now is duly presented

and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of Cailfornia; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said proposed charter of the City of Fresno, as proposed to and adopted and ratified by the electors of said city, as hereinabove fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, as and for the charter of the City of Fresno.

CHAPTER 278

Assembly Concurrent Resolution No. 164—Approving certain amendments to the Charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the eighth day of April, 1957.

[Filed with Secretary of State, June 10, 1957.]

City of Fresno Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, as hereinafter set forth in the certificate of the Commissioner of Public Safety and Welfare and ex officio mayor of said city and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF FRESNO OF THREE CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF FRESNO } ss.
CITY OF FRESNO

Certificate

We, the undersigned Gordon G. Dunn, Commissioner of Public Safety and Welfare and ex officio Mayor of the City of Fresno, and D. E. Roughton, City Clerk of the City of Fresno, do hereby certify and declare as follows:

That the City of Fresno, a municipal corporation in the County of Fresno, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants and with over fifty thousand (50,000) population and has been, ever since January 21, 1921, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the

qualified electors of said city at a special election held for that purpose on the 2nd day of November, 1920, and approved by the Legislature of the State of California by Senate concurrent resolution No. 2 filed with the Secretary of State on the 21st day of January, 1921 (Statutes of 1921, Chapter 6, page 1821).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Commission of the City of Fresno, being the legislative body thereof, by its Resolution No. 4846 adopted on February 21, 1957, duly and regularly submitted to the qualified electors of said City three certain proposals (hereinafter sometimes referred to as Proposal No. 1, Proposal No. 2 and Proposal No. 3) to amend the Charter of the City of Fresno and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolutions called for said purpose in said City on the 8th day of April, 1957, and consolidated by said Resolution No. 4846 with the general municipal election to be held on said 8th day of April, 1957.

That said Proposal No. 1, Proposal No. 2 and Proposal No. 3 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and the Charter of the City of Fresno on the 25th day of February, 1957, in the Fresno Bee-The Republican, a daily newspaper of general circulation printed and published in said City of Fresno, and in each edition thereof during the said days of publication.

That said Commission caused copies of said Proposal No. 1, Proposal No. 2 and Proposal No. 3 to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on February 25, 1957, advertised in said Fresno Bee-The Republican daily up to and including the day fixed for said election, a notice that copies of said Proposal No. 1, Proposal No. 2 and Proposal No. 3 could be had on application therefor at the office of the City Clerk of said City; and that copies of said pamphlet containing said proposals could be had on application therefor at the office of the City Clerk of said City at all times from February 25, 1957, to and including April 8, 1957, the date fixed for said election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 8th day of April, 1957, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said Proposal No. 1, said Proposal No. 2 and said Proposal No. 3 in said Fresno Bee-The Republican.

That the Commission of said City of Fresno did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did on the 26 day of April, 1957, adopt its Resolution No 4899 declaring the result of the canvass of the returns of said elections as determined from the canvass of the returns thereof; and that said Commission did by said resolution, duly find, determine and declare that a majority of the qualified voters voting on each of said charter amendments, voted in favor thereof and that all three of said charter amendments were ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election are in the words and figures following, to wit:

PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF FRESNO

PROPOSAL NO. 1

Article I
Boundaries, Powers, Rights and Liabilities

Off-street parking

Section 1 01 Off-Street Vehicular Parking. That the City of Fresno, in addition to all other powers elsewhere enumerated in this Charter, shall have the power to acquire (whether by purchase, lease, eminent domain or otherwise) construct, establish, improve, extend, maintain, operate, administer, lease, sublease and let off-street vehicular parking facilities and places within the City of Fresno in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants thereof

Without limiting the generality of the next preceding paragraph, the City shall have the power:

(a) To acquire lands and property and rights-of-way necessary and convenient for use as parking places;

(b) To acquire lands and property and rights-of-way necessary and convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress or egress from any parking place herein established;

(c) To acquire by condemnation, purchase or gift any property or any interest therein. Any lands or property necessary or convenient for off-street vehicular parking places may be acquired in fee simple by condemnation or otherwise;

(d) To improve any lands acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for off-street vehicular parking purposes;

(e) To collect fees or charges to pay all or any part of purchasing, improving, repairing or operating off-street vehicular parking. To establish and regulate rates and charges for all services provided for to the users of such facilities;

(f) To establish funds for such system or systems and place limitations upon the use of moneys therefrom;

(g) To establish off-street vehicular parking places only within the City of Fresno;

(h) To make all necessary rules and regulations regarding the operation and maintenance of off-street vehicular parking facilities;

(i) To issue revenue bonds and refunding revenue bonds for the purchase, acquisition, construction, improvement, operation and maintenance of any and all off-street vehicular parking facilities so acquired and to evidence such obligation for payment, discharge and retirement of the cost of such facilities, improvements and projects by the issuance of revenue bonds therefor, including refunding revenue bonds, in negotiable or non-negotiable form and payable solely out of the revenue derived from the operation and control of such off-street vehicular parking facilities, in accordance with the procedure established by Section 52 1 of this Charter;

(j) To bind, allocate, pledge and authorize payment of all or any part of the net revenues collected from the establishment and operation of parking meters within this City for periods of years for the payment of operation and maintenance costs of such off-street vehicular parking facilities and principal and interest on all revenue bonds issued and outstanding, until all of such bonds have been fully paid;

(k) To do any and all acts or things necessary or appropriate to carry out the purposes of this section.

Airport facilities

Section 1.02. Airport Facilities The City of Fresno shall have the power to acquire (whether by lease, purchase, eminent domain or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease, sublease and let airport facilities, including but not limited to runways, hangars, warehouses, buildings for the repair or manufacture of airplanes or airplane parts, control towers, traffic control devices and administration facilities within or without the City of Fresno to promote and facilitate air traffic and promote the welfare of the citizens and inhabitants thereof.

Without limiting the generality of the next preceding paragraph, the City shall have the power:

(a) To acquire lands and property and rights-of-way necessary and convenient for use for airport purposes;

(b) To acquire by condemnation, purchase, or gift, any property or any interest therein;

(c) To improve any lands acquired by the construction thereon of runways, hangars, warehouses, buildings for the repair or manufacture of airplanes or airplane parts, or other buildings or improvements necessary or convenient for airport purposes;

(d) To collect fees, rentals or charges to pay all or any part of purchasing, improving, repairing or operating airport facilities, to establish and regulate rentals, rates and charges for all services provided the users of such facilities;

(e) To establish funds for any or all such facilities and place limitations upon the uses of the money therefrom;

(f) To make all necessary rules and regulations regarding the operation and maintenance of airport facilities;

(g) To issue revenue bonds and refunding revenue bonds for the purchase, acquisition, construction, improvement, extension, operation or maintenance of any and all airport facilities so acquired and to evidence such obligation for payment, discharge and retirement of the cost of such facilities, improvements and projects by the issuance of revenue bonds therefor, including refunding revenue bonds, in negotiable or non-negotiable form and payable solely out of the revenue derived from the operation, control or leasing of such airport facilities or any part thereof, in accordance with the procedure established by Section 52.1 of this Charter;

(h) To bind, allocate, pledge and authorize payment of all or any part of the gross revenues collected from airport operations or from lands owned or held for airport purposes of every kind and nature for periods of years, for the payment of operation and maintenance costs of such airport facilities and principal and interest on all revenue bonds or refunding revenue bonds issued and outstanding until all such bonds have been fully paid;

(i) To do any and all acts or things necessary or appropriate to carry out the purposes of this section.

Article V
Department of Finance

Revenue bonds

Section 52.1. Revenue Bonds. Revenue bonds may be authorized by the Commission of the City of Fresno by resolution of five affirmative votes of the Commission at a duly assembled meeting. All such revenue bonds so issued shall contain a recital on their face that neither the payment of the principal of or interest thereon constitutes a debt, liability or obligation of the City of Fresno, except as provided in this Section. All such revenue bonds shall be payable either (a) exclusively from the revenues derived from the operation of off-street vehicular parking facilities and revenues from parking meters, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds, or (b) exclusively from the revenues derived from the operation of airport facilities or properties or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds, in accordance with the terms of the resolution under which said revenue bonds are authorized to be issued. Reference on the face of such revenue bonds to such resolution by its date of adoption shall be sufficient to incorporate all of

the provisions thereof into the body of said revenue bonds and their appurtenant coupons. Each taker and subsequent holder of said revenue bonds or coupons, whether such coupons are attached to or detached from said revenue bonds, shall have recourse to all of the provisions of such resolution and shall be bound thereby.

Commission powers

1. The Commission of the City of Fresno shall have power and is hereby authorized:

(a) To fix the aggregate principal amount of all revenue bonds which may from time to time be issued for any purpose authorized by this section; to prescribe the purpose or purposes for which the same may be issued and to provide for the issuance of additional bonds and the security therefor;

(b) To prescribe the form and denomination of the revenue bonds and the terms and conditions upon which the same shall be issued, paid and retired. Revenue bonds may be issued in one or more series; may bear such date or dates; may mature at such time or times not exceeding forty (40) years from their respective dates (provided that if any authorized issue of revenue bonds is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue); may be in the form of serial bonds or sinking fund bonds with serial or term maturities; may bear interest at a rate or rates not exceeding six (6) per cent per annum, payable annually or semi-annually; may be in such denomination or denominations and in such form, either coupon or registered; may carry such registration or conversion privileges; may be executed in such manner; may be payable in such medium of payment and at such place or places within or without the State of California; may be subject to such terms of redemption with or without premium provided that no such premium shall be in excess of six (6) per cent of the par value of such revenue bonds and provided further that none of such revenue bonds shall be subject to call or redemption prior to their fixed maturity date unless the right to exercise such call is expressly stated on the face of the bonds; all as provided in such resolution or resolutions of said City Commission; provided further that all revenue bonds maturing subsequent to five (5) years from their date may be issued as callable bonds, subject to redemption at the option of the City upon such terms as the Commission shall determine.

(c) To provide, in and by the resolution or resolutions authorizing the issuance, the terms and conditions upon which all such revenue bonds issued thereunder may be declared or become due and payable in the event of said defaults, if any, as may be specified in said resolution; may also provide for the replacement of mutilated, destroyed, stolen or lost bonds;

(d) To provide in and by such resolution for the authentication and execution of revenue bonds by manual, lithographed

or mechanically reproduced facsimile signatures of any officers of the City Commission and also to provide for additional authentication of such revenue bonds by any trustee or fiscal agent appointed by said Commission. If any of the officers whose signatures on bonds or coupons cease to be officers before the delivery of said revenue bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the revenue bonds and coupons.

(e) To provide by resolution, pending the preparation of the definitive bonds, for the issuance of interim receipts or temporary bonds exchangeable for definitive bonds when such definitive bonds are ready for delivery in such form and with such provisions as may be provided in said resolution and further to provide that notwithstanding the form or tenor of such interim receipts or temporary bonds that such interim receipts, temporary bonds and also all revenue bonds shall at all times be, and be treated as, negotiable instruments for all purposes;

(f) To provide that the proceeds of the sale of said revenue bonds shall be applied to the payment of all costs and expenses to be incurred in connection with the issuance of said bonds, including fiscal agents, and legal expenses, working capital and interest, which it is estimated will accrue during the construction period and for not exceeding six (6) months thereafter on money borrowed or which it is estimated will be borrowed through the issuance of such revenue bonds.

Sale

2. Revenue bonds authorized hereby may be sold by the City Commission from time to time in such manner as the Commission may determine and at a price below the par value thereof; provided that the maximum net interest cost on revenue bonds sold below par or face value shall not exceed an average of six (6) per cent per annum, payable annually or semi-annually, to the respective maturity dates of said revenue bonds as determined by standard tables of bond values.

3. The Commission shall have authority to provide for the issuance, sale or exchange of refunding revenue bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Charter subject to any limitations contained in the resolution providing for the issuance of such revenue bonds. All provisions of this Section applicable to the issuance of revenue bonds are hereby made applicable to the issuance of refunding bonds and to the sale or exchange thereof. Refunding revenue bonds may be issued in the principal amount sufficient to provide funds for the payment of all revenue bonds to be refunded thereby and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding revenue bonds in the issuance of such refunding bonds. Such expenses may include any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the

date of payment of the revenue bonds to be refunded and also the premium, if any, necessary to be paid in order to call and retire the outstanding revenue bonds and the interest accruing thereon to the call date.

Lien

4. All revenue bonds issued by the Commission shall be secured by a lien upon the gross revenue of the project for the acquisition, construction and completion of which said revenue bonds are to be issued, and (a) in the case of revenue bonds for off-street vehicular parking facilities, revenues from parking meters, as shall be more fully described in the resolution of the Commission authorizing the issuance of said bonds, and said Commission shall have power in and by such resolution to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, as well as the revenues of any existing off-street vehicular parking project operated or controlled by said City of Fresno and also any sums allocated by the Commission from the operation of parking meters to the revenue bond fund for payment of expenses, principal and interest of the revenue bonds, or (b) in the case of revenue bonds for airport facilities, revenues of any existing airport facilities or properties operated or controlled by the City of Fresno and of any improvements and extensions thereof thereafter constructed or acquired as shall be more fully described in the resolution of the Commission authorizing the issuance of said bonds, and said Commission shall have power in and by such resolution to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired, and also any sums allocated by the Commission from the gross revenues collected from any existing airport facilities or properties, including revenues from improvements and extensions thereof thereafter constructed or acquired, to the revenue bond fund for payment of expenses, or for the payment or security of the principal and interest on the revenue bonds. Sums required to meet the payment of interest on and principal of revenue bonds issued under this Charter shall be secured by a first, direct and exclusive charge and lien upon all revenues described in the resolution authorizing the issuance of such revenue bonds and upon all sinking funds, reserve funds, or redemption funds created for the further security of said revenue bonds and the income therefrom and all such revenues and funds and the income therefrom shall constitute a trust fund for the security and payment of such revenue bonds and shall not be used for any other purpose as long as such bonds or any of them and the interest thereon are outstanding and unpaid, except that in the resolution providing for the issuance of said revenue bonds, there may be appor-

tioned, so long as the interest on and principal of such revenue bonds is paid as the same becomes due and payable, together with all other charges required by such resolution for the protection or better securing of such revenue bonds, such sums as may be specified in such resolution for the payment of maintenance and operating costs of such projects or for any other lawful purpose of the City of Fresno, but only to the extent specified and described in said resolution.

Further security

5 Any resolution of the Commission providing for the issuance of revenue bonds may also, in addition to all other appropriate agreements deemed necessary or advisable by the Commission, contain such covenants and agreements as it deems necessary or advisable for the better security of the revenue bonds issued thereunder. The Commission is hereby authorized and empowered in and by the terms of any such resolution to covenant and agree with the holders of any of said revenue bonds so long as the same shall be outstanding as follows:

Proceeds

(a) That the proceeds of the sale of said revenue bonds shall be deposited in a fund separate and apart from all other funds of the City of Fresno and shall be applied solely and exclusively to the object and purpose for which said revenue bonds are herein authorized to be issued and that any proceeds remaining unexpended after the object and purpose for which said revenue bonds are authorized to be issued shall have been completed shall be applied to the payment of principal and interest of such revenue bonds and that none of said moneys shall be transferred to any other fund of the City of Fresno or used for any purpose other than as specified in said resolution;

(b) That the City of Fresno shall operate or cause to be operated, all projects and properties acquired from the proceeds of the sale of said revenue bonds continuously so long as said revenue bonds are outstanding in an efficient manner and in good working order and condition, and will make all needful and necessary repairs, improvements and replacements;

Rentals, etc

(c) That the Commission will establish and maintain reasonable rentals, rates, tolls and/or charges for all properties maintained, owned, operated, leased or controlled by it (including parking meters in the case of off-street parking projects), or acquired from the proceeds of the sale of revenue bonds and that such rentals, rates, tolls and/or charges shall at all times be adequate to yield annual revenue equal to all redemption payments and interest charges on said revenue bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or any other special fund provided for the security of revenue bonds or for any maintenance and operation, depreciation, reserve fund or other charges in connection with the operation of any properties of the City of Fresno, and further that such rentals, rates, tolls and/or charges shall not be reduced below an

amount sufficient to provide funds to meet all obligations set forth in the resolution authorizing the issuance of such revenue bonds. No person shall be permitted to use or operate any of the facilities or properties of the City of Fresno or to make use thereof, except upon payment of the regularly established charge therefor, except only as may be provided in the resolution authorizing the issuance of such revenue bonds in the case of firemen, policemen and other essential public employees, to be specifically set forth in such resolution. All such rentals, rates, tolls and/or charges shall be paid only in such coin or currency as on the date of payment is legal payment for public or private debts, or in scrip or tokens issued only upon payment of the face value of such coin or currency. Any agreement contained in said resolution with respect to such rentals, rates, tolls and/or charges shall be binding upon the City of Fresno and upon its officers, departments and boards thereof.

Records

(d) That accurate books and records of account showing all revenues received from the operation of all properties by the City of Fresno, and all expenditures thereof, will be kept and provided, and that all books and records of the City of Fresno pertaining to the operation of such off-street vehicular parking places or airport facilities shall be open at all times during business hours to the inspection of the holders of one or more of the revenue bonds, or of any percentage of such holders or their duly authorized representatives as may be provided in such resolution. That annual or other periodic statements of the condition of all such off-street vehicular parking properties or airport facilities operated by the City of Fresno will be furnished to the holders of such revenue bonds and that summaries thereof will be published at least annually in the official newspaper of the City of Fresno. The resolution providing for the issuance of revenue bonds may also provide that the books and records of the City of Fresno pertaining to the operation of such off-street vehicular parking places or airport facilities shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in the resolution.

Limitations

(e) That no part of the said properties in the City of Fresno shall be sold, leased, mortgaged or otherwise incumbered or disposed of except upon such terms and conditions as may be defined in said resolution and that if any part of the properties of the City of Fresno shall be taken by eminent domain or other proceedings authorized by law, the proceeds therefrom shall be applied to the replacement of properties of like kind and character or to the payment and retirement of revenue bonds, or as may be set forth in said resolution.

Other terms

(f) That said resolution may contain such other terms and conditions with respect to the payment of the bonds, the operation of said off-street vehicular parking facilities or airport facilities and properties by the City of Fresno, payment of claims, or the obtaining of insurance of any kind or char-

acter on any of said properties of the City of Fresno and the payment of the premium therefor, events of default and the rights of the holders of revenue bonds in the event thereof, the procedure under which the terms and conditions of the revenue bonds and of the resolution authorizing the issuance thereof may be amended at a meeting of the bondholders or by the written assent of bondholders without a meeting and the manner in which such consent of the bondholders may be given, either with or without a meeting, and the effect of such an amendment or modification upon the rights of all holders of the bonds and coupons and also all other agreements deemed necessary or desirable in order to secure said revenue bonds or to make the same more marketable.

Validity

6. The validity of any revenue bonds issued by the City Commission of the City of Fresno shall not be dependent on or affected in any way by any proceedings taken by the City of Fresno for the acquisition, construction or completion of any properties or projects for which said bonds are to be issued or any contracts made in connection with the acquisition, construction or operation of any such properties. Said revenue bonds shall be incontestable and shall by their issuance and delivery conclusively establish the due performance of all conditions precedent to their issue.

Actions

7. The City of Fresno may, at any time after the adoption of a resolution providing for the issuance of any revenue bonds under this Charter and prior to the actual delivery of such bonds to any purchaser thereof, bring an action in the Superior Court of Fresno County to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem. The jurisdiction of all parties interested may be had by publication of summons for at least once a week for three (3) weeks in some newspaper of general circulation published in Fresno County, such newspaper to be designated by the Judge of the Court having jurisdiction of the proceedings. The jurisdiction shall be completed within ten (10) days after publication of the summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten (10) days appear and by proper proceedings contest the validity of such revenue bonds. Such action shall be speedily tried and judgment rendered declaring the bonds either valid or invalid. Either party shall have the right to appeal to the Supreme Court of the State of California at any time within thirty (30) days after the entry of such judgment and such appeal shall be heard and determined by said court within three (3) months from the time of submission thereof to said Court.

Authority

8. The provisions of this section constitute full and complete authority for the issuance of revenue bonds as herein provided by the City Commission of the City of Fresno and no other procedure or proceedings, consents, approvals, orders or permission from any municipal officer or a board of the City of Fresno, shall be required for the acquisition, construc-

tion or completion of any properties or the issuance of any revenue bonds except as specifically provided in Sections 1.1 or 1.2 of Article I and Section 52.1 of Article V of this Charter. The powers and authorities conferred by said sections of this Charter are in addition to and supplemental to all other powers and authorities conferred upon the City of Fresno. The method provided in said sections for the acquisition of properties and the issuance of revenue bonds shall be deemed an additional method for acquiring such properties and providing funds therefor, provided that the City of Fresno may, in its discretion, acquire any properties of a like or similar nature and issue general obligation bonds of the City of Fresno therefor, but subject to the conditions that the City of Fresno shall not, while any revenue bonds are issued or outstanding, acquire, construct or complete any competing projects or properties similar to those maintained or operated through the issuance of revenue bonds by the Commission. Revenue bonds issued under this Charter shall not be taken into consideration in determining the bonded indebtedness which the City of Fresno is authorized to incur pursuant to vote of two-thirds ($\frac{2}{3}$) of the electors thereof, as limited by Section 51 of this Charter.

PROPOSAL NO. 2

Article IV
City Attorney

City attorney

Section 37. Appointment, Duties, Deputy. There shall be a City Attorney who shall be appointed by the Commissioner of Public Safety and Welfare and confirmed by the City Commission. He shall be an attorney at law admitted to practice in the Supreme Court of the State of California. The City Commission may require the City Attorney to devote all of his time to the business of the city. The Commissioner of Public Safety and Welfare shall provide suitable offices for the City Attorney in or near the building where the offices of the Commissioners are located, and shall provide suitable stenographic and other help and supplies for the conduct of the office of the City Attorney. The City Attorney, with the approval of the Commissioner of Public Safety and Welfare, may appoint a deputy or deputies who shall have the same qualifications as the City Attorney, and shall take the Constitutional oath of office, and all acts performed by such deputy or deputies shall be as valid and binding as if done by the City Attorney.

Duties

It shall be the duty of the City Attorney to prosecute on behalf of the people, all cases before the Municipal Court of the Fresno Judicial District for violations of this charter and of the city ordinances and resolutions and other municipal regulations. It shall be his duty to attend to all suits and other matters to which the city is a party or in which the

city may be legally interested; provided, that the Commissioner of Public Safety and Welfare and City Commission shall have control of all litigation of the city and may direct an attorney selected by the Commissioner of Public Safety and Welfare to take charge thereof in place of the City Attorney, or to assist the City Attorney therein, the Commissioner of Public Safety and Welfare and City Commission being vested with power to employ such additional attorneys as they may deem necessary to defend and protect the interests of the city in any matters or proceedings, and to fix the compensation of such attorneys, and such employment of attorneys shall not be subject to the Civil Service rules, but where the compensation of such special attorney or attorneys exceeds $200.00, the employment or contract must be approved by the City Commission. The City Attorney shall give his advice and opinion verbally or in writing to the City Commission. the Commissioners or any of them, and other city boards and officers, whenever required to do so. He shall pass upon the validity of all bonds given to and of contracts made with the city. Whenever required by the City Commission or any Commissioner or any board in the city administration, he shall draft any and all proposed ordinances. resolutions, laws, rules, contracts, bonds, and other legal papers for the city. He shall at the request of a Judge of the said Municipal Court, draft any complaint or pleading that may be necessary in connection with the business of the said Municipal Court. He shall attend all meetings of the City Commission, unless excused, and such meetings of other boards in the city administration as he may be requested to attend by the Commissioner of Public Safety and Welfare, and shall perform such other duties as may be required of him by the Commissioner of Public Safety and Welfare, City Commission, or by this charter, the city ordinances, resolutions or regulations.

PROPOSAL NO. 3

Article V

Contracts

Section 56. Contracts. Except as otherwise specifically provided in this Charter or by the laws of the State, no continuing contract (which involves the payment of money out of appropriations of more than two years) shall be made for a period of more than ten years, except public utility franchises, and no such contract shall be valid without publication of notice of intention of making the contract, in a newspaper of general circulation printed and published in the city, once a week for two successive weeks, before final action of the City Commission, and the approval of five-sevenths of all the members of the Commission, and the decision of the City Commission is subject to the referendum provisions of this Charter.

Any public work or improvement costing more than $2,000.00 shall be executed by contract, except where specific

work or improvement is authorized by the Commission based on detailed estimates submitted by the department or board authorized to execute such work or improvement, and except in cases where the City Commission may decide to perform such work or construct such improvement through its own officers and employees. Contracts for more than $2,000.00 shall be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance. The award shall be made by the City Commission. In the case of contracts for less than $2,000.00, the award may be made by the Commissioner of Finance. The Commission or Commissioner of Finance, as the case may be, shall have power to reject all the bids and to advertise for new bids. All advertisements or invitations for bids shall contain a reservation of this right. In the event that a satisfactory contract for the performance of any public work or the construction of any public improvement cannot be made, and in other cases where the City Commission may decide that it is for the best interests of the city to do so, the City Commission may perform public work and construct public improvements through its own officers and employees. The decision of the City Commission in such cases is subject to the referendum provisions of this Charter.

Forty-year leases

Notwithstanding any other provision of this Charter, or of the laws of the State of California, the City of Fresno is hereby authorized and empowered to let to any person, firm or corporation, for a term not to exceed forty years, any real property which belongs to the City of Fresno, regardless of whether such property was acquired under any law specifying that such property was to be devoted to any particular use or purpose. Any instrument by which such property is let as aforesaid shall require the lessee therein to construct on the demised premises a building, buildings, or other improvements for the use of said City during the term thereof, shall provide that title to such building shall vest in the City of Fresno at the expiration of said term and shall contain such other terms and conditions as the Commission of said City may deem to be in the best interests of said city.

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Fresno with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct and exact copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Fresno are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

As to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Fresno to be affixed hereto this 26th day of April, 1957.

(SEAL)

GORDON G. DUNN
Commissioner of Public Safety and Welfare and ex officio Mayor of the City of Fresno

D. E. ROUGHTON
City Clerk of the City of Fresno

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Fresno, as proposed to and adopted and ratified by the electors of said city, and each of them, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California.

CHAPTER 279

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article XI thereof, relating to compensation of officers of cities and counties.

[Filed with Secretary of State, June 10, 1957]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1957 Regular Session commencing on the seventh day of January, 1957, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 5 of Article XI thereof, to read:

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers

as public convenience may require, and shall prescribe their duties and fix their terms of office It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may, but need not, classify the counties by population or other factors. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties.

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Sections 7½, 7½a and 8½ of this article, relating to county or city and county charters That certain act entitled "An act to add a new section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature at its Fiftieth Session, is hereby validated and made fully and completely effective

The term of any county, township or municipal officer shall not be extended beyond the period for which he was elected or appointed.

The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they prevent any increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified

CHAPTER 280

Senate Joint Resolution No 36—Relative to pollution of San Francisco Bay.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, Historically San Francisco Bay was world-renowned for its San Francisco Bay shrimp, oysters, and other marine delicacies, but presently these delicacies are becoming extinct since their breeding grounds are being destroyed by pollution from jettisoned oil, chemicals, and other foreign material so that the shore lines of San Mateo, Alameda, San Francisco, Marin, Santa Clara, Contra Costa, Solano and

Napa Counties are almost devoid of their previously plentiful population of crabs, shrimp, and oysters; and

WHEREAS, The oil, chemicals, and other foreign substances in the waters of San Francisco Bay are destroying the recreational value of the bay and the surrounding beaches to the detriment of the health and welfare of the citizens of the area and of the whole State; and

WHEREAS, Present fines for violation of existing laws prohibiting such pollution are, in relation to the cost of otherwise disposing of such material, extremely minor and such pollution is not properly publicized so as to carry with it the public opprobrium deserving such wasteful practices; and

WHEREAS, The United States Coast Guard could greatly alleviate this deplorable situation by more adequate policing; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the United States Coast Guard is respectfully requested to immediately increase its efforts to prevent pollution of the San Francisco Bay area by any means but particularly by any person, firm or corporation who may be violating existing prohibitions by dumping oil, bilge, and other chemicals into the waters of the bay; and be it further

Resolved, That the Congress of the United States is respectfully requested to investigate and take the necessary steps to insure that the penalties for violation of federal statutes and regulations in relation to the cost of other means of disposal are great enough to prevent pollution of the waters of San Francisco Bay; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Vice President of the United States and to the Speaker of the United States House of Representatives, to each Member of Congress representing the State of California, and to the Governor of the State of California.

CHAPTER 281

Senate Concurrent Resolution No. 72—Relative to the roadside rest program.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, The State by appropriating four hundred fifty thousand dollars ($450,000) in the Budget Act of 1956 to commence a state-wide roadside rest program in connection with the State Highway System has recognized the necessity for and the value of a state-wide roadside rest system in California; and

WHEREAS, Such a system would permit the traveling public to stop and rest along the traveled way and relieve driver fatigue and thus reduce the hazards of highway travel; and

WHEREAS, The Legislature understands that the present Federal Highway Program includes provision for safety turnouts and rest areas in connection with the interstate highway system, with a required contribution of only 10 percent from the State; and

WHEREAS, Other states are taking full advantage of this program to provide this much needed facility for the benefit and safety of the highway user; and

WHEREAS, Funds are presently available which could be used to finance the State's 10 percent share of the costs for such safety turnouts and rest areas; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Highways of the Department of Public Works is hereby urged and requested to include an adequate and well distributed number of rest areas in the current interstate highway system, and to participate in the federal program in this regard; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Director of Public Works.

CHAPTER 282

Senate Concurrent Resolution No. 104—Relative to the impact areas of the Oroville Dam and dams in the Upper Feather River Service Area.

[Filed with Secretary of State, June 10, 1957.]

WHEREAS, The Legislature has appropriated funds during both the last budget session and the current general session for the initiation of construction of the Feather River Project, and particularly the Oroville Dam, Reservoir, and Power Plant, and has appropriated funds for the acquisition of dam and reservoir sites for Grizzly Valley Reservoir, Frenchman Reservoir, Antelope Valley Reservoir, Dixie Refuge Reservoir, and Abbey Bridge Reservoir in the Upper Feather River Service Area; and

WHEREAS, The award of contracts for the relocation of certain highway and railroad facilities, required to be removed from the site of the Oroville Dam, will be made on May 15, 1957; and

WHEREAS, The Department of Water Resources in October, 1956, published a report entitled "Economic Impact of the Construction of Oroville Dam and Power Plant Upon the Oroville Area," which report shows that direct construction pay rolls for the Oroville Dam will amount to about one hundred fifteen million dollars ($115,000,000) in the Oroville area, that total population increase will amount to about 16,000, that the nature of the city and county government revenue structure is such that augmented expenses for educa-

tion, police, fire, sewer and other local governmental services will exceed the augmented revenues, and that the Department of Water Resources believes that consideration must be given to devising ways and means of coping with these problems; and

WHEREAS, The Bureau of Public Administration, University of California, in a report dated March, 1957, and entitled "State Construction Projects and Local Governmental Services," concludes that the Federal Government now maintains regular programs, as outlined in the report, for assisting communities affected by similar federal projects; and

WHEREAS, The Legislature desires that state construction of water resources projects should not impose unreasonable and unwarranted burdens upon the units of local government and the local citizens of the project area, which burdens are beyond any local benefits from the construction of the project; and

WHEREAS, The reports referred to above show the general nature, scope and intensity of the problem, but no information is available to the Legislature on the precise needs of local government in the impact area of the dams mentioned in this resolution and the exact types, purposes, and amounts of assistance the State might render; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Finance, with the assistance of such other state agencies as may be appropriate, be directed to investigate the problem outlined in the above reports in order to determine the exact types, purposes and amounts of state aid which the Legislature should provide the impact area of dams mentioned in this resolution and to submit to the Budget Session of the Legislature such budget provisions as will solve this problem and establish a desirable precedent for future projects to be constructed by the State.

CHAPTER 283

Senate Concurrent Resolution No. 114—Relative to pollution of San Francisco Bay.

[Filed with Secretary of State, June 10, 1957]

WHEREAS, Historically San Francisco Bay was world-renowned for its San Francisco Bay shrimp, oysters, and other marine delicacies, but presently these delicacies are becoming extinct since their breeding grounds are being destroyed by pollution from jettisoned oil, chemicals, and other foreign material so that the shore lines of San Mateo, Alameda, San Francisco, Marin, Santa Clara, Contra Costa, Solano and Napa Counties are almost devoid of their previously plentiful population of crabs, shrimps, and oysters; and

WHEREAS, The oil, chemicals, and other foreign substances in the waters of San Francisco Bay are destroying the recreational value of the bay and the surrounding beaches to the

detriment of the health and welfare of the citizens of the area and of the whole State; and

WHEREAS, Present fines for violation of existing laws prohibiting such pollution are, in relation to the cost of otherwise disposing of such material, extremely minor and such pollution is not properly publicized so as to carry with it the public opprobrium deserving such wasteful practices; and

WHEREAS, The Department of Fish and Game, the State Water Pollution Control Board, and the Regional Water Pollution Control Board for the San Francisco Bay Region could greatly alleviate this deplorable situation by more adequate policing; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Fish and Game, the State Water Pollution Control Board, and the Regional Water Pollution Control Board for the San Francisco Bay Region are requested to take all steps necessary to more adequately enforce the provisions of state law prohibiting such pollution; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Department of Fish and Game, the State Water Pollution Control Board, and to the Regional Water Pollution Control Board for the San Francisco Bay Region.

CHAPTER 284

Senate Concurrent Resolution No. 137—Relative to the gift to the State of California of a state historical monument at San Simeon in memory of William Randolph Hearst.

[Filed with Secretary of State, June 10, 1957]

WHEREAS, The officers of the Hearst Corporation and the members of the William Randolph Hearst family have generously tendered to the State of California, as a gift to its people, a substantial portion of the estate of the late William Randolph Hearst, together with buildings, furnishings and works of art, located at San Simeon in San Luis Obispo County; and

WHEREAS, The unique treasury of works of art which accompanies this magnificent gift has historical and cultural value beyond price; and

WHEREAS, The late William Randolph Hearst and his illustrious father before him played such outstanding roles in the development of California from its earliest years and that an historical monument at that place would add greatly to the splendid traditions of our State; and

WHEREAS, The Honorable Goodwin J. Knight, Governor of California has officially expressed his enthusiastic approval of the program for state acceptance of these treasures on be-

half of and for the benefit of the people of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature joins with the Governor of California in expressing appreciation to the Hearst Corporation and to the members of the Hearst family for these magnificent gifts, made in memory of the late William Randolph Hearst and, according to his express wish, in the name of his mother, Mrs. Phoebe Apperson Hearst; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit suitably prepared copies of this resolution to Mr William R. Hearst, Jr., Editor-in-Chief, the Hearst Newspapers; Mr. George R. Hearst, Mr. John R. Hearst, Mr. Randolph A. Hearst, Mr. David W. Hearst; Mr. Richard E. Berlin, President, the Hearst Corporation; Mr. Martin F. Huberth, Mr. Harold G. Kern, Mr. Richard A. Carrington, Jr., and other members of the Board of Directors of the Hearst Corporation.

CHAPTER 285

Assembly Joint Resolution No. 25—Relative to use of national forests.

[Filed with Secretary of State, June 11, 1957.]

WHEREAS, The State of California has long recognized and supported the wise and proper use of the multiple resources available within the federally controlled national forests in this State; and

WHEREAS, The individual citizens of this State as well as the industrial and agricultural economy of this State are becoming more and more dependent upon these lands for commodities, services, and, above all, the necessary water to insure our present and future well-being; and

WHEREAS, Certain groups have, from time to time, sponsored federal legislation which has the tendency to dedicate specific portions of our national forest areas to the limited use of these groups for limited purposes at the expense of the other segments of the population dependent on these areas; and

WHEREAS, A similar movement is presently under way to limit the use of these areas in the form of legislative proposals to create a "National Wilderness Preservation System"; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to completely retain without qualification the existing authority of the Secretary of Agriculture to regulate the use of all national forests, including wilderness areas; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the President, Vice President, and the Secretaries of Agriculture and Interior of the United States, and the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 286

Assembly Joint Resolution No. 33—Relative to nonstop air transportation between San Francisco and New York.

[Filed with Secretary of State, June 11, 1957]

WHEREAS, The City and County of San Francisco, through its Public Utilities Commission, owns and operates the San Francisco International Airport provided by the citizens of San Francisco at great expense in order that they may enjoy the finest air transportation service possible; and

WHEREAS, The City and County of San Francisco is one of the largest cities in the West and one of the great air markets of the United States and the world and the air hub of the San Francisco metropolitan area; and

WHEREAS, American Airlines, Inc., has on file with the Civil Aeronautics Board a motion to sever and set down for immediate hearing the San Francisco-New York nonstop portion of its application in Docket No. 5903; and

WHEREAS, The Public Utilities Commission of the City and County of San Francisco deems that the public convenience, interest and necessity of the people of that city and county and the surrounding area require that they be provided with all possible and necessary facilities for air commerce to and from San Francisco and New York City; and

WHEREAS, The City and County of San Francisco has a civic, property and financial interest in the motion of American Airlines, Inc., which would afford the City and County of San Francisco improved air service between San Francisco and New York; and

WHEREAS, The Legislature has been informed that the City and County of San Francisco is about to file an answer and motion with the Civil Aeronautics Board supporting the motion of the American Airlines, Inc., to sever and set down for immediate hearing the San Francisco-New York nonstop portion of the application in Docket No. 5903, in believing that San Francisco is entitled to a third nonstop air service between San Francisco and New York; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the Civil Aeronautics Board to give consideration to the answer and motion of the City and County of San Francisco requesting an immediate hearing on the San Francisco-New York nonstop portion of the application in

Docket No. 5903, and requests the United States Senators from California and the Congressmen from the San Francisco metropolitan area to support said answer and motion; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Civil Aeronautics Board, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 287

Assembly Concurrent Resolution No. 67—Relative to approving a study of the subject of bail and laws relating thereto by the California Law Revision Commission.

[Filed with Secretary of State, June 11, 1957]

WHEREAS, Section 10335 of the Government Code provides that the approval of the Legislature, by concurrent resolution, is required in order for the California Law Revision Commission to undertake and carry forward studies; and

WHEREAS, The laws relating to bail in California are archaic and extremely confusing, and the subject could readily be simplified by new legislation if an adequate study thereof is made; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision Commission is authorized to conduct a study of the subject of bail in California to determine in what respects the laws relating thereto should be revised.

CHAPTER 288

Assembly Concurrent Resolution No. 158—Relative to adding Rule 8.5 to the Joint Rules of the Senate and Assembly regarding introduction of bills accompanied by a digest.

[Filed with Secretary of State, June 11, 1957]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule 8 5 is hereby added to the Joint Rules of the Senate and Assembly, to read:

8.5. No bill shall be introduced in either house, unless it is accompanied by a digest showing the changes in the existing law which are proposed by the bill. If any bill is presented to either the Secretary of the Senate or Chief Clerk of the Assembly for introduction and is not accompanied by a digest prepared by the Legislative Counsel the Secretary of the Senate or the Chief Clerk of the Assembly shall deliver the bill to the Legislative Counsel after its introduction. The Legis-

lative Counsel shall review the digest submitted with the bill, modify it where necessary in his opinion and return both to the officer from whom he received them, for printing.

The digest of each bill shall be printed in the Journal of the house in which it was introduced immediately following the title of the bill. The digests shall also be printed, in loose-leaf form (one digest to the page), and distributed in the same manner as other legislative publications.

The provisions of this rule shall be effective only if a constitutional amendment is adopted providing for the abolishment of the bifurcated session and the establishment of a continuous session.

CHAPTER 289

Assembly Concurrent Resolution No. 203—Relating to congratulating the track and field team of the Berkeley High School for winning the state track and field championship.

[Filed with Secretary of State, June 11, 1957]

WHEREAS, The track and field team of Berkeley High School, on Saturday, June 1, 1957, performed a surprising feat, surpassing the fondest expectations of the school's most ardent supporters by upsetting the outstanding high school track and field talent representing many high schools throughout the State of California to win the state high school track and field championship at Edwards Stadium in Berkeley; and

WHEREAS, This outstanding Berkeley Yellowjacket team coached by Rich Hacker brought to Northern California, for only the third time in 38 Interscholastic Federation meets dating back to 1915, the state track and field championship; and

WHEREAS, The victory was achieved by a great team effort which included victories in the 880-yard relay and the 440-yard event as well as a number of placings in other events, and marked one of the outstanding athletic achievements in the history of Berkeley High School to the credit of its teachers and students; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Berkeley High School track and field team is congratulated and commended for its victory and winning of the state track and field championship; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Berkeley High School and to the Berkeley High School track and field coach, Rich Hacker.

CHAPTER 290

Assembly Concurrent Resolution No. 204—Relative to commending Don Bowden.

[Filed with Secretary of State, June 11, 1957]

WHEREAS, In the annals of track and field the running of a "four-minute mile" has long been regarded by all as one of the greatest of feats; and

WHEREAS, This feat was performed for the first time by a United States citizen, when Don Bowden, a California resident and a prelaw student at the University of California, on June 1, 1957, at Baxter Stadium track in Stockton, ran a mile in the time of 3:58.7; and

WHEREAS, That accomplishment for this 20-year-old native of San Jose earned for him a trophy as the Pacific Association A A. U. meet's outstanding athlete; and

WHEREAS, Don, through his magnificent achievement, has brought honor to our State and Nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature congratulate Don Bowden on his running of the four-minute mile and wish him all possible success in the future; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Don Bowden.

CHAPTER 291

Assembly Concurrent Resolution No. 205—Approving amendments to the Charter of the City of Pomona, County of Los Angeles, State of California, amending Section 106 of Article XVI and Section 126 of Article XVIII, voted for and ratified by the electors of said city at a general municipal election held therein on the ninth day of April, 1957.

[Filed with Secretary of State, June 11, 1957]

City of Pomona Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of Pomona, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the Mayor and President of the City Council of the City of Pomona, and the City Clerk of said City, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF POMONA

Certificate

We, the undersigned, Arthur H. Cox, Mayor of and President of the City Council of the City of Pomona, State of Cali-

fornia, and L. B. Thomas, City Clerk of said City, do hereby certify as follows:

That the City of Pomona, a municipal corporation of the County of Los Angeles, State of California, is now, and at all times herein mentioned was, a City containing a population of more than Fifty Thousand inhabitants, and has ever since the 10th day of March, 1911, and now is, organized and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City voting at a special election held for that purpose on the 16th day of February, 1911, and approved by the Legislature of the State of California by Concurrent Resolution No. 20 filed with the Secretary of State of the State of California on the 10th day of March, 1911. (Statutes of 1911, page 1913).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Pomona, being a legislative body thereof, duly and regularly submitted to the qualified electors of said City of Pomona certain proposals to amend the Charter of the City of Pomona, to be voted on by the qualified electors at a General Municipal Election called and held in the City of Pomona on the 9th day of April, 1957, which proposals were designated as proposed amendments to the Charter of the City of Pomona and lettered propositions "C" and "D" on the ballot at the election

That the proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California in the Progress-Bulletin, a daily newspaper of general circulation printed and published in the City of Pomona, and in each edition thereof during the day of publication, to-wit: on February 16, 1957; that a notice that copies of said charter amendments could be had upon application therefor was published in said newspaper, and in each and every edition thereof during the day of publication, on each and every day said newspaper was published, commencing on February 16, 1957, and ending on April 8, 1957; that copies of the charter amendments were mailed in convenient printed form and in type of not less than 10-point to each of the qualified electors of the City of Pomona.

That in accordance with the provisions of the Charter of the City of Pomona, and Ordinance No. 1458, adopted by the Council of the City of Pomona at its meeting on the 5th day of March, 1957, approved by the Mayor on the 5th day of March, 1957, and published as required by law and the provisions of the Charter, a General Municipal Election was held on the 9th day of April, 1957 in the City of Pomona, and pursuant to the provisions of the Charter and Resolution No. 4589, passed and adopted by the Council of the City of Pomona at its meeting on the 18th day of December, 1956, and approved

by the Mayor on the 18th day of December, 1956, and Resolution No. 4681, passed and adopted by the Council of the City of Pomona on the 5th day of February, 1957, and approved by the Mayor on the 5th day of February, 1957, the proposed amendments were submitted to the qualified electors of the City of Pomona for their ratification at the election and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendments to the Charter of the City of Pomona.

That the amendments to the Charter of the City of Pomona so ratified by the electors of the City of Pomona are in the words and figures as follows, to-wit:

AMENDMENT TO THE CHARTER OF THE CITY OF POMONA

That the Charter of the City of Pomona be amended by amending Section 126, Article XVIII to read as follows:

Proposals for public work

Section 126. When proposals for performing any public work or furnishing materials are invited, the Council may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the Council may provide for the work to be done by the department of public works. No contract shall provide for or authorize or permit the payment of more than ninety percent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers, department or board.

Bonds

It shall be the duty of the City Attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

AMENDMENT TO THE CHARTER OF THE CITY OF POMONA

That the Charter of the City of Pomona be amended by amending Section 106 of Article XVI to read as follows:

Compensation of precinct board members

Section 106. Each member of a precinct board shall receive as compensation for his services a sum fixed by the Council of the City of Pomona. The inspector may receive up to three dollars ($3.00) more compensation than the other members of the precinct board. The inspector shall receive not more than eighteen dollars ($18.00) and the other members shall receive not more than fifteen dollars ($15.00).

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct and exact copies thereof; and we further certify that the facts set forth in the preamble preceding said amendments to the Charter are true.

That as to the amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the corporate seal of the City of Pomona to be affixed hereto this 4th day of June, 1957.

(SEAL)

ARTHUR H. COX
President of the Council and
Mayor of the City of Pomona
L. B. THOMAS
City Clerk of the City of
Pomona

and

WHEREAS, The proposed amendments as ratified as hereinbefore set forth have been, and are now, duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Pomona as proposed to and adopted and ratified by the electors of the City of Pomona and as hereinbefore fully set forth, be, and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the City of Pomona. Approva

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CHAPTER 292

Senate Concurrent Resolution No. 30—Relative to expenses of the Joint Interim Committee on Law Revision

[Filed with Secretary of State, June 12, 1957.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of two thousand dollars ($2,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Law Revision (created by Section 10301 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 293

Senate Concurrent Resolution No. 48—Relative to the construction of the Capitol Mall in Sacramento.

[Filed with Secretary of State, June 12, 1957.]

WHEREAS, It is only fitting that the site of the Capitol of California, the areas adjacent thereto, and the Capitol Mall be planned, developed, and constructed in a manner which will enhance the beauty of the area and appropriately reflect the natural grandeur of the State and the dignity of the seat of its government; and

WHEREAS, The contemplated Capitol Mall approach to the area along Capitol Avenue should be constructed in a manner which will complement the beauty and scenic splendor of the public buildings and grounds to which the lands abutting Capitol Avenue are or will be largely devoted; and

WHEREAS, The beauty and scenic splendor of the Capitol area as well as the dignity of its location demand that the Capitol Mall approach be developed in the form of scenic parkway or promenade with a wide center strip devoted to plants and shrubbery; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Department of Public Works, the State Highway Commission, and the State Highway Engineer are requested to study, formulate and adopt plans for the construction of the Capitol Mall to the end that the Capitol Avenue approach will be developed in accordance with the general features of the typical cross section approved by the Capitol Mall Advisory Committee in 1956 which provided for a 40-foot wide center strip; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Public Works, the State Highway Commission, and the State Highway Engineer.

CHAPTER 294

Senate Concurrent Resolution No. 115—Relative to a meeting of the Legislature at the former State Capitol in Benicia.

[Filed with Secretary of State, June 12, 1957.]

WHEREAS, There exists in the City of Benicia the first permanent structure erected for a California State Capitol, and this structure is the only building in existence formerly used as a California State Capitol; and

WHEREAS, The State Capitol at Benicia was the meeting place of the Legislature from 1853 to 1854; and

WHEREAS, This structure has been acquired by means of a grant from the City of Benicia for a state historical monument to be maintained and operated by the State Division of Beaches and Parks; and

WHEREAS, This structure is now in process of restoration to its original form and such restoration will be completed prior to the 1958 Budget Session of the Legislature; and

WHEREAS, Because of the historic interest in this structure and the meeting of the Legislature in this former State Capitol; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Interhouse Cooperation is hereby directed to ascertain the desirability and feasibility of the Legislature meeting for one day during the 1958 Budget Session, at the former State Capitol at Benicia in connection with any rededication of this structure; and be it further

Resolved, That the Joint Committee on Interhouse Cooperation submit recommendations to the 1958 Budget Session of the Legislature on said proposal.

CHAPTER 295

Senate Concurrent Resolution No. 122—Relative to survey for relocation and widening of United States Highway 399.

[Filed with Secretary of State, June 12, 1957]

WHEREAS, Route 238, as added to the State Highway System by Chapter 26, Statutes of 1957, extends 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 and is to be a major north-to-south arterial highway; and

WHEREAS, The traffic congestion and hazards on that portion of United States Highway 99 lying south of Grapevine are well known; and

WHEREAS, Any possible diversion of traffic on that portion of United States Highway 99 would be highly desirable in order to relieve traffic congestion and hazards to travel; and

WHEREAS, United States Highway 399 from Maricopa southerly to Ventura via Ojai, as that highway now exists, is a circuitous route and is of narrow width; and

WHEREAS, United States Highway 399, if rerouted and extended in width, would provide a diversion for traffic westerly and southerly from State Highway Route No. 238 and would thus provide an alternate route to Southern California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the Department of Public Works and the California Highway Commission to cause a detailed survey to be made for the relocation and widening of United States Highway 399, in order that that highway and its relocation join with State Highway Route No. 238 at a suitable point northwesterly from Grapevine, and extend southerly to a junction

with United States Highway 101 in the vicinity of Ventura; and be it further

Resolved, That the Secretary of the Senate be hereby directed to forward copies of this resolution to the Director of Public Works and to the Chairman, California Highway Commission.

CHAPTER 296

Senate Concurrent Resolution No. 130—Relative to the investigation of the Yuba and Bear River Watersheds.

[Filed with Secretary of State, June 12, 1957.]

WHEREAS, The Yuba and Bear Rivers have contributed to serious flood damage and loss of life on the Sacramento Valley floor and in the Sacramento-San Joaquin Delta; and

WHEREAS, In addition to urgently needed flood control, the waters of these rivers are susceptible to full and comprehensive development for irrigation, domestic and municipal water supply, hydroelectric power, fish and wild life enhancement, recreation and other beneficial purposes; and

WHEREAS, Preliminary studies for The California Water Plan have indicated that a full investigation of the feasibility of the several projects, or modifications thereof, required to achieve such flood control and other beneficial purposes is desirable and urgently needed; and

WHEREAS, The Department of Water Resources has scheduled such a feasibility investigation under the California Water Development Program; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources is requested to expedite the aforesaid feasibility investigation and the formulation of plans for the full development of the Yuba and Bear Rivers under the aforesaid California Water Development Program.

CHAPTER 297

Senate Joint Resolution No. 29—Relative to memorializing the Congress of the United States in relation to surplus food warehousing and the civil defense program.

[Filed with Secretary of State, June 12, 1957.]

WHEREAS, Civil defense planning contemplates the evacuation of urban areas in the event of an enemy attack; and

WHEREAS, Food and other basic supplies necessary to maintain the population of the State are for the most part stored within these urban target areas which will be evacuated and abandoned in the event of an enemy attack, leaving the population of the State, which would become refugee population,

without adequate food and other supplies necessary to maintain life; and

WHEREAS, The Federal Government has on hand and in storage large quantities of surplus stocks of basic foods and other essentials, and there is before Congress a measure providing for the stockpiling of these surplus foods at strategic locations throughout the Country and there is also before Congress the proposal that basic foods and other essentials be stockpiled in connection with the national civil defense program; and

WHEREAS, California's sister State of Nevada by Assembly Joint Resolution No. 4 adopted by the 1957 Nevada Legislature calls upon the Federal Government to take notice of this inadequacy in the national civil defense program; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be urged to take notice of this present inadequacy of the civil defense program of California and to take positive action to provide for the stockpiling of surplus foods and other essentials of life in strategic locations within the State of California and such other strategic locations as may be found desirable and essential to a well-rounded civil defense program, so that in the event of an enemy attack the refugees of the urban and target areas will be provided with adequate basic foods and other supplies as would be necessary to maintain the public health and safety; and be it further

Resolved, That the Congress of the United States be urged to direct the Commodity Credit Corporation and other federal agencies holding in storage surplus foods and supplies to store in strategic places in California these essentials in order that they may be available in the event they would be needed in the civil defense program; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the chairman and members of the appropriate congressional committees which will consider legislation relating to surplus foods, the warehousing of such surplus commodities, and civil defense planning, and to each member of the California Congressional Delegation.

CHAPTER 298

Senate Joint Resolution No. 37—Relative to memorializing the United States Government to control the import of dried figs and fig paste to the extent necessary to protect adequately the American fig producing industry located in California.

[Filed with Secretary of State, June 12, 1957.]

WHEREAS, American fig production is located practically entirely in the central portion of the San Joaquin Valley of California; and

WHEREAS, Such production is an important and significant part of the agricultural economy of California and of the United States; and

WHEREAS, This American fig production under the control of a federal marketing order currently runs less than 80 percent of American fig consumption; and

WHEREAS, However, for the past three or four years an increasing share of this American market has been obtained by foreign figs imported from Portugal, Greece, and Turkey which are produced by peasant families operating at a labor cost against which American producers cannot compete; and

WHEREAS, These increasing imports of foreign figs have driven down the price received by American fig producers to the lowest level since the years immediately prior to World War II; and

WHEREAS, A substantial portion of American fig production under the aforementioned federal marketing order is being diverted to noncompetitive and low value uses to the economic disadvantage of the American fig producers; and

WHEREAS, This decreasing share of the American market, these declining prices, and this disadvantageous diversion of much of the American fig production to noncompetitive and low value uses threaten the American fig industry with extinction in the not too distant future; and

WHEREAS, Last August the United States Secretary of Agriculture officially recognized the catastrophic plight of the American fig producing industry and requested the President of the United States to direct the United States Tariff Commission, under appropriate federal legislation, to investigate whether or not imports of dried figs and fig paste should not be restricted; and

WHEREAS, Last October the President of the United States directed the Tariff Commission to make such investigation; and

WHEREAS, However, after an investigation and hearing the Tariff Commission last December strangely reported that no import restrictions upon figs were warranted; and

WHEREAS, Under these conditions fig producers in California will be forced into other lines of agriculture and thereby tend to destroy the delicate balance of supply and demand in those lines; and

WHEREAS, Furthermore, much of California's specialized agricultural production, such as the almond, walnut, olive, and date crops, depend on the retention by those crops of a fair share of the American market and could therefore be similarly injured if this policy of nonrestriction of foreign imports is followed with respect to them; and

WHEREAS, Therefore, the State of California cannot afford to see its fig production industry destroyed by unrestricted and unfair foreign competition, not only because of the destruction of the fig production industry but also because of the harmful precedent set for and unstabilizing influence re-

sulting to the many other import-vulnerable crops of the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take steps with all due haste, under the Agricultural Adjustment Act or otherwise, to place such limitations upon the importation of dried figs and fig paste as will restore order to the domestic fig producing industry; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, to the Secretary of Agriculture, and to the Chairman of the United States Tariff Commission.

CHAPTER 299

Senate Joint Resolution No. 38—Relative to the land use program for the Lower Colorado River.

[Filed with Secretary of State, June 12, 1957.]

WHEREAS, The Parker Dam County Recreation District has been created in San Bernardino County comprising in its entirety land owned by the United States; and

WHEREAS, The United States Department of the Interior has under consideration at the present time numerous proposals which would affect the use of the land along the Colorado River below Parker Dam; and

WHEREAS, Such proposals would, in their present form, adversely affect the administration of said lands by the Parker Dam County Recreation District; and

WHEREAS, Said district is authorized under the laws of this State to lease or otherwise acquire control of all or any of the land in the district from the United States upon such terms as may be mutually agreed upon by the trustees of the district and the United States, and to, in turn, rent or sublease any of such land to any person for any purpose, recreational or otherwise, not inconsistent with the terms of the lease or other agreement under which the district holds the land under the United States; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States and the United States Department of the Interior, to give consideration to leasing or giving control to the Parker Dam County Recreation District the lands located within the boundaries of said district and that the department be requested to take no action with respect to land use which will affect the operation of said district; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the Interior, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

CHAPTER 300

Senate Concurrent Resolution No. 109—Relative to the investigation of the Mokelumne, Stanislaus, and Calaveras River watersheds.

[Filed with Secretary of State, June 12, 1957]

WHEREAS, The Department of Water Resources has commenced an investigation of the potentialities for the development of the Mokelumne, Stanislaus, and Calaveras River watersheds; and

WHEREAS, The City of Stockton and other water-using areas in the valley lands within these watersheds are seriously overdrawing ground water while other such valley areas have insufficient water for continued development; and

WHEREAS, A comprehensive plan for the conservation and utilization of water in the mountainous and foothill area in these watersheds is essential to insure their full development; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources is requested to expedite the current investigation of the water resources of the Mokelumne, Stanislaus, and Calaveras River watersheds, and the formulation of plans for single or multipurpose projects for the development thereof under The California Water Plan, including consideration of the proposed Folsom South Canal, for the major purpose of developing water to serve the foothill and mountainous areas within said watersheds and valley lands adjacent thereto, including the City of Stockton.

CHAPTER 301

Senate Concurrent Resolution No. 131—Relative to the Devore Cutoff joining U. S. Highways 99 and 395.

[Filed with Secretary of State, June 12, 1957]

WHEREAS, An immense volume of traffic, especially heavy truck traffic serving the greater Los Angeles metropolitan area, flows through the Cities of Fontana and San Bernardino as a result of the junction in that vicinity of traffic from U. S. Highways 395, 99, and 66; and

WHEREAS, The route of U S. Highway 395 and the junction of that highway with U. S. Highway 99 are such that through

traffic movement between the Los Angeles metropolitan area and Cajon Pass is forced to follow a triangular path through the Cities of Fontana and San Bernardino; as a result, traffic leaves U. S. Highway 99, works its way northward over various county roads and Fontana city streets, and moves through the so-called Devore Cutoff to enter U. S. Highway 395 (see Index No. 26-m, Report on the Proposed Additions to the State Highway System, Division of Highways, April, 1955); and

WHEREAS, The so-called Devore Cutoff, as considered in the mentioned report and as proposed by Assembly Bill No. 3168 and Senate Bill No. 2406, 1957 Regular Session, traverses a route now followed by county highways; and

WHEREAS, A state highway on that route is generally acceptable to the people of the west end of San Bernardino County; and

WHEREAS, As eventual construction of a cutoff along the approximate route of the Devore Cutoff would appear to be inevitable, people and local officials in the area are anxious to lay plans for the future by bringing county roads up to state standards, by appropriate zoning, by purchasing rights of way, by providing for grade separations, and by adapting utility installations; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Commission and the Department of Public Works be hereby requested to, insofar as practicable, advise the County of San Bernardino as to any preference said commission and department might have for the location of the said Devore Cutoff if and when said additional mileage is included in the State Highway System by the Legislature. This information is desired by said County of San Bernardino for the purpose of future planning, location of utilities, acceptance of dedication of rights of way, location of prospective industries, schools, residential subdivisions, municipal incorporation, annexations and to satisfy other pressing and important local considerations; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Director of Public Works.

CHAPTER 302

Senate Concurrent Resolution No. 141—Approving charter amendments to the charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the thirteenth day of May, 1957.

[Filed with Secretary of State, June 12, 1957]

City of Monterey Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to

the charter of the City of Monterey, a municipal corporation of the County of Monterey, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF MONTEREY } ss
CITY OF MONTEREY

Certificate

We the undersigned, Dan H. Searle, Mayor of the City of Monterey, and George W. Smith, City Clerk and ex-officio Assessor of said City, do hereby certify and declare as follows:

That the undersigned, Dan H. Searle, was at all times herein mentioned the Mayor of said City, and that the undersigned, George W. Smith, was at all times herein mentioned the City Clerk, ex-officio Assessor, and ex-officio Clerk of the Council of the City of Monterey.

That the City of Monterey, a municipal corporation in the County of Monterey, State of California, is now, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants and less than fifty thousand inhabitants, and has been ever since the 27th day of March 1925, and is now, organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 9th day of March, 1925, and approved by the Legislature of the State of California by a concurrent resolution approved by the Legislature of the State of California on the 27th day of March, 1925 (Statutes 1925, Page 1292).

That pursuant to, and in accordance with, the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of the City of Monterey, being the legislative body thereof, on its own motion, duly and regularly submitted four proposals for the amendment of certain sections of the Charter of said City, to be voted upon by the qualified electors of said City at a general municipal election held in said City on the 13th day of May, 1957, which said proposals were designated as Proposition No. 1, Proposition No. 2, Proposition No. 3 and Proposition No. 4, respectively.

That said proposed amendments were on the 18th day of March, 1957, published and advertised in the Monterey Peninsula Herald, a newspaper of general circulation published in the City of Monterey, and the official newspaper designated by the said Council of the City of Monterey for that purpose, and in each edition of said date of publication.

That said City Council did by Resolution designated Resolution No. 8469 C.S., which was duly adopted on the 5th day of March, 1957, called for and gave special notice of a General Municipal Election to be held in the City of Monterey on

the 13th day of May, 1957, which date was more than forty (40) and less than sixty (60) days after the completion of publication of said amendments to the said Charter of the City of Monterey, as aforesaid, and

That the Council of the City of Monterey, being the legislative body of said City, by its Resolution No. 8469 C.S., duly adopted on the 5th day of March, 1957, did order the submission of said proposed amendments to the Charter of said City at said general municipal election to be held on May 13th, 1957, according to the terms of the Charter of said City of Monterey, providing for general municipal elections, which Resolution was pursuant to the provisions of Section 8 or Article XI of the Constitution of the State of California, and did provide in said Resolution for the submission of the proposed amendments to the Charter of said City to the qualified electors of said City for their ratification at such general municipal election.

That thereafter said general municipal election was duly and regularly held on Monday, May 13th, 1957, and the City Council of said City of Monterey did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 20th day of May, 1957, by Resolution No. 8516 C.S., duly declare and certify the result of said special municipal election as determined from the canvass of the returns thereof.

That at said election a majority of the qualified electors voting on said proposals, and each of them, to amend the Charter of said City of Monterey voted in favor of said proposals, and each of them, to amend the Charter of said City of Monterey and the said City Council of said City did, by said Resolution No. 8516 C.S., duly adopted on the 20th day of May, 1957, find, determine and declare that the said proposed amendments to the Charter of the City of Monterey, being said Proposition No. 1, Proposition No. 2, Proposition No. 3, and Proposition No. 4, were ratified by a majority of the qualified electors of said City voting thereon.

That said amendments to the Charter so ratified by the qualified electors of the City of Monterey at said general municipal election are in words as follows, to-wit:

PROPOSED AMENDMENT NO. 1

That Section 49-A be added to the Charter of the City of Monterey as follows:

"Section 49-A. County Collection of Taxes: The Council is hereby authorized to enter into a contract with the Board of Supervisors of the County of Monterey wherein the Council may agree that the duties and functions of the City Clerk and ex officio Assessor, the Collector, and of the Council, insofar as said duties and functions apply to the assessing, collecting and equalization of real and personal property taxes, may be performed by the County of Monterey." Tax collection

PROPOSED AMENDMENT NO. 2

That Section 56 of the Charter of the City of Monterey be amended to read as follows:

Newspaper advertising, etc.

"Section 56. Newspaper Advertising and Printing: The Council shall advertise bi-annually in each even-numbered year for the submission of sealed proposals or bids, from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices and matters required to be published. The newspaper to which such contract is awarded shall be known and designated as the 'official newspaper'. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character. Contracts for advertising shall be awarded to the lowest, responsible bidder."

PROPOSED AMENDMENT NO. 3

That Section 15 of the Charter of the City of Monterey be amended to read as follows:

Legislation

"Section 15. Legislations: The Council shall act in legislative matters by ordinance or resolution only. Other action of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order.

"The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote:

"No ordinance or resolution shall be passed without receiving the affirmative vote of at least three members of the Council.

"Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

"The ordaining clause of all ordinances adopted by the Council shall be, 'The Council of the City of Monterey does ordain as follows:'. The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, 'The People of the City of Monterey ordain as follows:'.

"No ordinance shall be passed by the Council on the day of its introduction, or within five days thereafter, or at any time other than at a regular meeting, or until its publication at least once in the official newspaper of the city at least three days before its adoption. In case of an ordinance being amended before its final adoption, and after its publication, it shall in like manner be republished in full as amended at least one day before its adoption, as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinance need not be given a first reading or a re-publication as corrected.

"Except as other wise provided by general law, or by this charter, no action providing for any specific public improvement, or for the appropriation or expenditure of public money, in any amount over one thousand dollars, or for the sale, lease, incumbrancing, or disposition, of any real property of the city, or any interest therein, or for the purpose of levying any tax or assessment, or the granting of any franchise, or for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance.

"No ordinance or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, re-enacted, or amended by reference to its title only; but the ordinance to be revised, or re-enacted, or the section or sections thereof to be amended, or the new section, or sections to be added thereto, shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

"All ordinances shall be signed by the Mayor and attested by the City Clerk."

PROPOSED AMENDMENT NO. 4

That Section 17 of the Charter of the City of Monterey be amended to read as follows:

"Section 17. The Chief Appointive Officials: The chief appointive officers of the city shall be a City Manager, City Clerk, who shall be ex-officio Assessor, Collector, Police Judge, City Engineer, City Attorney, City Auditor, Treasurer, Street Superintendent, Health Officer, Chief of Police, Fire Chief, and five Library Trustees. The Council may, at any time, when in its judgment the interest of the city so demands, by a four-fifths vote thereof, consolidate by ordinance the powers and duties of two or more city officers and place the same in charge of one such officer. The Council shall by ordinance prescribe the powers and duties of all of said officers except where the same are prescribed by this charter, and in such case, may, by ordinance, prescribe additional powers and duties therefor consistent with the provisions hereof." Officials

And we further certify that we have compared the foregoing amendments with the original proposals filed and submitted to the qualified electors of the City of Monterey, as aforesaid, and find that the foregoing are full, true, and exact copies thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of said City of Monterey to be affixed hereto this 28th day of May, 1957.

(SEAL)

DAN H. SEARLE
Mayor of the City of Monterey
GEORGE W. SMITH
City Clerk of said City

and

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Monterey, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Monterey.

CHAPTER 303

Assembly Concurrent Resolution No. 135—Relative to the Northeastern Counties Investigation.

[Filed with Secretary of State, June 13, 1957.]

WHEREAS, The Department of Water Resources has been conducting the Northeastern Counties Investigation to determine the ultimate water needs of northeastern counties predicated upon the full development of all natural resources in those counties; and

WHEREAS, The information developed in said Northeastern Counties Investigation will be of assistance to the Legislature in its study of related matters; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources be directed to mail its final report of the Northeastern Counties Investigation, to each Member of the Legislature on or before January 1, 1958; and be it further

Resolved, That the Department of Water Resources be directed to make a progress report on the Northeastern Counties Investigation except with respect to Tehama, Glenn, Colusa, Yolo and Lake Counties, to the Legislature at any extraordinary session at which it may consider the subject matter of this resolution and which is held prior to the time a final report is completed; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to Harvey O. Banks, Director of Water Resources.

CHAPTER 304

Assembly Concurrent Resolution No. 165—Relative to improvement of State Highway Route 83.

[Filed with Secretary of State, June 13, 1957.]

WHEREAS, Statistics released by the National Park Service with respect to Lassen Volcanic National Park show a travel increase through the park from some 47,107 automobiles in 1947 to 85,094 in 1956; and

WHEREAS, Winter travel has also increased because of installation of new and improved ski facilities at the Sulphur Works area which in the first two months of this year had 7,352 visitors as compared with 3,202 for the same period in 1956; and

WHEREAS, The main access to the southern entrance to Lassen Park, and the only entrance to the ski area in winter is over State Highway Route 83, from the junction from State Highway Route 29 to the park entrance; and

WHEREAS, There has been no improvement on this portion of Route 83, with the exception of ordinary maintenance, within the past 25 years; and

WHEREAS, The present width and condition of the road is not adequate for the increased traffic; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works give consideration to improvement of this section of State Highway Route 83 in its budget for the next fiscal year, and that work be started before the 1957-58 winter sports season; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to Mr. Frank B. Durkee, Director of Public Works.

CHAPTER 305

Assembly Joint Resolution No. 34—Relative to federal support of air pollution control activities.

[Filed with Secretary of State, June 13, 1957.]

WHEREAS, Air pollution continues to be a serious problem throughout California with areas affected by air pollution in the past continuing to increase in size and definite evidence of air pollution in new areas; and

WHEREAS, Although local air pollution control districts in the State of California, the United States Public Health Service, the State Department of Public Health, universities throughout the State, and a number of private nongovernmental agencies have been and are now engaged in air pollution studies and research, many basic questions as to some

of the causes and some of the components of air pollution, effective methods of control, and the extent of the health hazard created by air pollution remain unanswered; and

WHEREAS, The Congress of the United States has recognized that the grave air pollution problem existing in this Country is one of federal concern and, in 1955, enacted a five-year, 25-million-dollar potential federal air pollution program to provide technical service and financial aid to state and local agencies in their air pollution programs (Act of July 14, 1955; Public Law 159, Eighty-fourth Congress; 69 Stat. 322); and

WHEREAS, The act recites that it is the policy of the Congress to preserve and protect the primary responsibilities and rights of the state and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide federal technical services and financial aid to state and local government air pollution control agencies and other public and private agencies and institutions in the formulation and execution of their air pollution abatement research programs; and

WHEREAS, The moneys appropriated for this program since its inception have not yet approached the amounts authorized to be appropriated; and

WHEREAS, The Legislature of California, cognizant of the seriousness and magnitude of the problem and the need for additional and coordinated research to permit evaluation of the inter-relationships among the causes, the distribution, dispersion, and effects of air pollution, has furnished specific funds in the past, and in this 1957 Regular Session is engaged in developing a program to expand and coordinate the air pollution research activities throughout the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate the full amounts authorized by Public Law 159, Eighty-fourth Congress, in order to provide to state and local agencies the technical services and financial aid which are essential to eventual abatement of the air pollution menace; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 306

Assembly Concurrent Resolution No. 132—Relative to state highways.

[Filed with Secretary of State, June 13, 1957]

WHEREAS, The Legislature of California finds:

(a) In the last 10 years more than seven million dollars ($7,000,000) have been spent in planting on state highways, but this amounts to only six-tenths of 1 percent of total state highway construction expenditures of the same period; however, maintenance of this planting has cost more than eight million dollars ($8,000,000) in 10 years, and the annual cost is now approaching one million five hundred thousand dollars ($1,500,000) a year;

(b) Past policy of the Highway Commission has been directed purposely toward channeling a maximum amount of available funds into the construction of highway mileage that will provide immediate benefits to the traveling public;

(c) The Division of Highways under present policy undertakes two classes of construction work generally under the classification of planting, as follows:

i. Roadside development and control, which is constructed for the purpose of traffic control, economies of maintenance, or other engineering requirements. Within this class is included that work which may be required for erosion control, traffic safety, fire control, or traffic noise abatement;

ii. Landscaping, which is for the purpose of enhancing or preserving the aesthetic values of the highway and its immediate environs;

(d) Under present policy functional planting for roadside development and control is being done on a minimum basis consistent with actual requirements. Planting for landscaping is being done on freeways on a minimum basis, and almost exclusively in built-up or highly developed areas;

(e) Expenditures for landscaping and for design that enhances the attractiveness of highways are legitimate highway purposes for which the motor traveling public may properly be expected to pay;

(f) The appearance of freeways and other highways, and their design and landscaping in keeping with the immediate surroundings, especially in metropolitan areas, are major factors in their acceptance by the public in the affected communities;

(g) California's freeway development program can be greatly accelerated in the years ahead, largely as a result of the Federal-aid Highway Act of 1956, but such acceleration will depend in great measure on increased public acceptance which will be encouraged by attractive design and appropriate landscaping of freeways; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The California Highway Commission and the State Highway Engineer are commended for their past policies of economy in the matter of planting and landscaping;

2. In view of the expanded freeway development program now getting under way, the State Highway Commission is urged from this time on to give full consideration to functional planting and highway beautification in the formulation of its annual budgets for freeway construction and maintenance and local jurisdictions are encouraged to participate and cooperate in this program;

3. The State Highway Engineer is urged from this time on to give more attention to enhancement of the appearance of highways (particularly in metropolitan areas), not only by means of landscaping but also in the original design of structures and roadways. Wherever economically feasible under California's climatic conditions, consideration should be given to incorporation of parklike development in highway design;

4. The Department of Public Works is urged to portray at the earliest possible time in public hearings or on other appropriate occasions the nature of each proposed freeway design by means of artists' drawings or other visual aids in order to better inform the public as to the appearance of the freeway and its effect on the community;

5. It is the purpose of this resolution to inform the Highway Commission, the Department of Public Works, the State Highway Engineer, and the public generally, that the Legislature intends that a moderate increase in landscaping and other aspects of attractive design appropriate to conditions in this State be regarded as integral features of California's freeway program.

CHAPTER 307

Assembly Concurrent Resolution No 172—Relative to the San Diego Freeway.

[Filed with Secretary of State, June 13, 1957]

WHEREAS, The San Diego Freeway (State Highway Route 158) is a part of the State Highway System, running from Route 4 near San Fernando to Route 2 in the vicinity of El Toro; and

WHEREAS, The portion of the San Diego Freeway from near Culver City to Route 2 near El Toro has not yet been constructed even though citizens in the area through which the freeway would pass are paying millions of dollars each year in motor vehicle fuel taxes and other highway user taxes which are required to be expended for street and highway purposes, and

WHEREAS, The San Diego Freeway would provide an important link between Northern and Southern California, by providing a route from the upper San Fernando Valley to below metropolitan Los Angeles which would not necessitate traversing the downtown area of Los Angeles and existing highways and freeways already greatly overcrowded; and

WHEREAS, The immediate construction of the entire San Diego Freeway would benefit not only local traffic in the area concerned but also through traffic between Northern and Southern California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission be requested to allocate funds at the earliest possible time, giving due consideration to all other needed state highway work, for the commencement of construction of the portion of the San Diego Freeway not now constructed; and be it further

Resolved, That the Chief Clerk of the Assembly be instructed to transmit a copy of this resolution to the chairman of the California Highway Commission.

CHAPTER 308

Assembly Concurrent Resolution No. 186—Relative to naming the site of the 1960 Winter Olympic Games, when included as part of the State Park System, the Snowshoe Thompson State Park.

[Filed with Secretary of State, June 13, 1957]

WHEREAS, The exploits of John A. "Snowshoe" Thompson during the early years of the development of this State have made him a legendary figure in California history; and

WHEREAS, "Snowshoe" Thompson gained fame through his amazing exploits in maintaining a personal mail express across the mighty Sierra Nevada Mountains during the winter months when passage for animals and vehicles over the regular roads was impossible, and frequently traversed the mountains from points in the Sacramento Valley to Carson Valley on the eastern slope of the Sierra in less than four days; and

WHEREAS, "Snowshoe" Thompson's mail express consisted of his personal treks over the mountains carrying the mails on his shoulders and involved physical stamina and courage of the most extraordinary kind, and necessitated the personal conquest of the mightiest of mountain ranges when enveloped in the most violent of storms and blizzards; and

WHEREAS, This remarkable man employed in his trips a crude form of skis to make the perilous trips and was, in all likelihood, the first person in California to use these devices which have now become so common in use for recreation in this day when man is no longer confronted with the task of

combating the violence of the elements of nature for survival itself; and

WHEREAS, The meager records available indicate that this giant in the history of the State of California received little, if any, official recognition or material reward for his fabulous exploits in behalf of the early pioneer settlers of California; and

WHEREAS, It is fitting that the memory of those who by their self-sacrifice, deed, and example contributed so markedly to the development of the State and Nation be perpetuated, and because a site in the California Sierra Nevada Mountains, which John A. "Snowshoe" Thompson so heroically conquered in those early days, has been selected for the site of the 1960 Winter Olympic Games, and because it seems particularly appropriate to perpetuate the memory of one of California's outstanding historic figures by associating his name with these events; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the site of the 1960 Winter Olympic Games, when it becomes a part of the State Park System, be named the Snowshoe Thompson State Park in Squaw Valley, California, and that action be undertaken to erect appropriate monuments to commemorate the achievements of John A. Thompson at the site; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare suitable copies of this resolution to be sent to the State Park Commission and the Division of Beaches and Parks.

CHAPTER 309

Assembly Concurrent Resolution No. 190—Relative to State Highway Route 57 in the vicinity of Vaquero Reservoir.

[Filed with Secretary of State, June 13, 1957.]

WHEREAS, The United States Bureau of Reclamation has included as part of its project plans in connection with Vaquero Reservoir on the Cuyama River the realignment and reconstruction work required on the portion of State Highway Route 57 in the vicinity of said reservoir in San Luis Obispo and Santa Barbara Counties; and

WHEREAS, The cost of such work, if done by the Bureau of Reclamation, will be charged to the users of water made available by the federal project; and

WHEREAS, Said highway would probably be relocated within a few years by the Division of Highways of the Department of Public Works regardless of whether or not Vaquero Dam was constructed; and

WHEREAS, It is highly problematical as to whether said dam would result in flooding the existing highway prior to the time that it would be reconstructed in the normal course of

the highway program, and in any event such flooding would in all probability be of short duration; and

WHEREAS, There is pending before the current session of the Legislature legislation which would permit such temporary flooding of said highway without requiring its immediate reconstruction; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission and the Department of Public Works be requested to include the realignment and reconstruction project on said State Highway Route 57 in the earliest possible state highway budget, giving due consideration to this project in comparison with other necessary state highway work, and further, to make the necessary arrangements to permit the temporary flooding of said highway in accordance with the legislation now pending; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 310

Assembly Concurrent Resolution No. 199—Relative to congratulating Herman Wobber on his long and distinguished career.

[Filed with Secretary of State, June 13, 1957]

WHEREAS, Mr. Herman Wobber is retiring after a long career in the management of the motion picture industry; and

WHEREAS, Mr. Wobber is a native of California, born in the City of San Francisco, where he went to school and began his business career selling newspapers at Third and Market Streets; and

WHEREAS, He went to Alaska in 1897, during the great gold rush, where he remained for 10 years becoming manager of one of the Alaska Commercial Company's largest stations; and

WHEREAS, On returning from Alaska in 1907, he began a 50-year career in the entertainment field when he and his brothers opened on Market Street the first nickelodeon in San Francisco and later operated the Imperial Theater which is now the United Artists; and

WHEREAS, His career included building, with Homer Curran, the Curran Theater, and ownership of the Geary Theater, both in San Francisco; and

WHEREAS, He has been associated in the management of two of the largest and most prominent motion picture companies in America; and

WHEREAS, His other activities include membership in the Masonic Lodge, the Board of Directors of the San Francisco Chamber of Commerce, the Family Club, the Olympic Club,

and the Advisory Board of Directors of the Crocker-Anglo National Bank of San Francisco; and

WHEREAS, Mr. Wobber is now retiring from active responsibilities of distribution in the motion picture industry but will continue as a consultant for a number of years; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature does hereby extend its heartiest congratulations to Mr. Herman Wobber for his 50 years of service to his State and to the entertainment industry; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mr. Herman Wobber.

CHAPTER 311

Assembly Concurrent Resolution No. 200—Relative to commending James David Zellerbach for his outstanding public service.

[Filed with Secretary of State, June 13, 1957.]

WHEREAS, James David Zellerbach has recently been appointed United States Ambassador to Italy; and

WHEREAS, This appointment signalizes another achievement among the many realized by this native son of California, born in San Francisco January 17, 1892, who has distinguished himself not only in the field of public service at home and abroad but is also renowned for his accomplishments in the worlds of commercial enterprise, the arts, and education; and

WHEREAS, Among the achievements of James David Zellerbach in public affairs are listed the following: Member of the National Manpower Council, Trustee for the Committee for Economic Development, Member at Large of the Board of Governors of the National Red Cross; and

WHEREAS, Among the honors and distinctions of James David Zellerbach in international affairs are the award of the Star of Italian Solidarity, First Class, and the title of Commendatore of the Knightly Order of Merit of the Italian Republic, and his service as an alternate delegate of the United States Delegation to the Eighth General Assembly of the United Nations and as United States Employer Delegate and Vice Chairman of the Governing Board of the International Labor Organization; and

WHEREAS, The accomplishments of James David Zellerbach in the field of commerce is indicated by the following: his office as Chairman of the Board and Director of the Crown-Zellerbach Corporation; Director and Member of the Executive Committee of Rayonier, Inc.; Director of the Wells Fargo Bank; Director of the California Packing Corporation; and Director of the Canadian Bank of Commerce; and

WHEREAS, The support rendered by James David Zellerbach to the arts is manifest from his activities as Governor of the San Francisco Symphony Association, Director of the San Francisco Opera Association, and Member of the National Council of the Metropolitan Opera Association; and

WHEREAS, Having graduated from the University of California in 1913 with the degree of bachelor of science, and honored in 1949 as the "alumnus of the year" of that great institution, James David Zellerbach has been awarded the honorary degree of doctor of letters from St. Mary's College and from Occidental College, and serves as a trustee of Mills College; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California wishes to extend its commendation and congratulations to James David Zellerbach for his many years of devoted service to the State of California and the United States, particularly at this time when he has undertaken to discharge the vital responsibilities of United States Ambassador to Italy, and extend to Mr. and Mrs. James Zellerbach sincere wishes for success and happiness in their new home; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to James David Zellerbach.

CHAPTER 312

Assembly Concurrent Resolution No. 201—Relating to the fortieth international convention of Lions International.

[Filed with Secretary of State, June 13, 1957.]

WHEREAS, The Lions International will hold its fortieth international convention in San Francisco, beginning on June 26th, and extending through June 29, 1957, with more than 35,000 delegates and visitors expected to be in attendance to mark the first time that the convention has been held in the West since 1947; and

WHEREAS, The Lions International had its origin in 1917, and is composed of more than 13,000 Lions Clubs in 82 nations throughout the free world with a membership of more than 540,000; and

WHEREAS, The various Lions Clubs throughout the world are comprised of business and professional people active in community affairs and dedicated to the enhancement of the welfare of their fellow man and are actively engaged in a great number and variety of community services to that end; and

WHEREAS, During its 40-year history the Lions International has compiled a record of outstanding achievement in public service in communities large and small throughout the world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Lions International is congratulated on its fortieth anniversary, and that its delegates to the fortieth annual convention are extended the most cordial of welcomes to the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to John L. Stickley, President of Lions International, Edward G. Barry, First Vice President, Dudley L. Simms, Second Vice President, Clarence L. Sturm, Third Vice President, R. Roy Keaton, Director-General, Melvin Jones, Secretary-General, Wilburn L. Wilson, Treasurer, William R. Bird, Convention Committee Chairman, Fred W. Smith and Maurice Perstein, Convention Committee Vice Chairmen, and Dr. Clyde A. Martyn, member.

CHAPTER 313

Senate Concurrent Resolution No. 50—Relative to the California Horse Racing Board.

[Filed with Secretary of State, June 14, 1957.]

WHEREAS, The California State Fair and Exposition, and the district and county fairs in California, conducting horse race meetings with pari-mutuel wagering have come to be regarded throughout the Nation as examples of the best supervised horse race meetings; and

WHEREAS, The California Horse Racing Board has, by the adoption of wise rules, benefited the horse owners participating in said fairs, especially by the adoption of the rule which places no penalties upon horses for their money winnings in fair meets; and

WHEREAS, It is fitting and proper that the Legislature in the State of California take cognizance of the California Horse Racing Board and its successful supervision of racing at the fairs enumerated herein; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California does hereby commend the California Horse Racing Board for its cooperation with California district and county fairs; and be it further

Resolved, That the Secretary of the Senate is directed to send a suitably prepared copy of this resolution to the California Horse Racing Board.

CHAPTER 314

Senate Concurrent Resolution No. 83—Relative to a proposed state highway from Ventura to the vicinity of Taft or Maricopa.

[Filed with Secretary of State, June 14, 1957]

WHEREAS, All population and motor vehicular highway travel projections now show a marked continued increase for the State of California; and

WHEREAS, The greater proportion of this greatly increased highway travel will be into, through, and out of the San Joaquin Valley; and

WHEREAS, The State of California and the Federal Government have shown their realization of this continued tremendous increase in highway demand and usage into, through and out of the San Joaquin Valley by their proposed North-South Super Highway No. 238, which is to extend from a point on Route 4 south of Bakersfield to a point on Route 7 near Woodland, and traverse the westerly side of the San Joaquin Valley; and

WHEREAS, Said proposed Super Highway No. 238 will continue to funnel all this greatly increased highway north-south travel into metropolitan Los Angeles, the great coastal and port areas of San Diego, Long Beach, San Pedro through the present Ridge Route, thereby adding to the southland's congested highway problems; and

WHEREAS, These great coastal and port areas of San Diego, San Pedro, and Long Beach will continue to grow and increase their business volume and daily port tonnage at an ever accelerated pace; and

WHEREAS, A great percentage of this increased business volume will result in a daily increase in business intercourse with all areas of the San Joaquin Valley as well as the great Cities of Oakland, Stockton and our State's Capitol at Sacramento; and

WHEREAS, It is now apparent that a second major highway in and out of the south San Joaquin Valley is urgently needed to help alleviate the growing highway travel problems as indicated; and

WHEREAS, Such a second major highway starting in the south in the vicinity of Ventura and thence through the mountains to the north, generally along the route of U. S. 399, where it would join the Route 238 in the vicinity of Taft or Maricopa, would not only materially assist these southern port areas in reaching all points in the San Joaquin Valley, but would also save crisscross traffic through metropolitan Los Angeles, help alleviate civil defense problems, offer a high speed second inlet-outlet to the Los Angeles area in the event of any acts of God, adverse weather conditions, any disaster or national emergency or state of war; and

WHEREAS, To be of the greatest possible value to the State of California and its people, Highways 238 and 399 should be constructed simultaneously; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to make, as soon as it is reasonably possible to do so, a survey of the feasibility of constructing a second major state highway from the San Joaquin Valley to the south coastal port areas, joining proposed Route 238 at a point in the vicinity of Taft or Maricopa to the north and terminating at a point on Highway 101 near Ventura; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to Mr. Frank B. Durkee, Director of Public Works.

CHAPTER 315

Senate Concurrent Resolution No. 124—Relative to the tenth anniversary of the founding of the Labor-Management School of the University of San Francisco.

[Filed with Secretary of State, June 14, 1957.]

WHEREAS, Over the past half century, the intricacies of the business of producing and supplying the needs and desires of the world have increased to a degree such as to stagger the imagination of man's mind; and

WHEREAS, Experience acquired in the process of producing and supplying these needs and desires has led to the realization that there is necessary a high degree of cooperation between the two groups of persons whose names have become synonymous with the process, namely, management and labor; and

WHEREAS, It has become apparent that the full realization of the potential of the industries of America and of California require an industrial peace and harmony that can be acquired only through a well-founded and mutual understanding of the problems of management and labor; and

WHEREAS, Through the efforts of far-sighted men foreseeing the need for this high degree of cooperation, and realizing that a failure to achieve such union would result in industrial and economic chaos, there was established 10 years ago this fall, at the University of San Francisco, a labor-management school; and

WHEREAS, Rev. Andrew C. Boss, S.J., during the past seven years has been in charge of this school, which is conducted as a public service and dedicated to improving the relationship between management and labor, through education, devotion and justice; and

WHEREAS, Those persons who have availed themselves of the services of this school are now representing their respective groups at the conference tables of industrial negotiations, and,

because of the knowledge and experience acquired through the attendance at the Labor-Management School of the University of San Francisco, are contributing their efforts, learning and devotion towards attaining industrial peace in the State of California and the San Francisco Bay area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of California does hereby express its deep appreciation to Rev. Andrew C. Boss, S.J., for his devoted and able administration, and to the University of San Francisco and the Labor-Management School for the public service it is rendering, its congratulations on the anniversary of the tenth year of the performance of this service, and its hope for continued success and achievement; and be it further

Resolved, That the Secretary of the Senate be directed to transmit prepared copies of this resolution to University President Rev. John F. X. Connolly, S.J, and Rev. Andrew C. Boss, S.J.

CHAPTER 316

Senate Concurrent Resolution No. 128—Relative to grazing concessions on the Anza Desert, Cuyamaca Rancho, and Palomar State Parks.

[Filed with Secretary of State, June 14, 1957]

WHEREAS, The Joint Legislative Committee on Agricultural and Livestock Problems undertook a study of the question of grazing concessions in the Anza Desert, Cuyamaca Rancho, and Palomar State Parks; and

WHEREAS, The joint committee secured the services of Professor B. A. Madson, University of California (retired), to assist the committee in conducting an impartial study of the problem; and

WHEREAS, Professor Madson is a recognized authority on this subject matter, who enjoys the confidence and trust of both the cattlemen and state park officials, and is pre-eminently qualified to undertake such a study and to make fair and impartial recommendations; and

WHEREAS, The investigation and study conducted by Professor Madson established without question that the policies and actions of the State Park Commission and the Division of Beaches and Parks drastically restricting and limiting cattle grazing in these parks are unnecessary for the protection of the areas for use by the public, that such restrictions and limitations have not benefited, and will not benefit in the future, these areas as state parks for the public's use, but will only injure unnecessarily an important and long established part of the agricultural economy of these areas; and

WHEREAS, It is apparent that these restrictive policies were adopted by the State Park Commission either without an adequate study having been made of the problem when it was the duty of the commission first to make such a study or were adopted by the commission despite the commission's knowledge of the facts in order to prohibit any economic use of the areas; and

WHEREAS, The Legislature believes that the recommendations of Professor Madson are reasonable and fair, and therefore concurs in such recommendations, which are as follows:

1. All grazing leases on the Anza Desert State Park be continued since there is no evidence that the grazing of cattle has exerted any appreciable injurious effect on the park or has interfered with the use of the park by the public;

2. The 2,600 acres in Box Canyon be restored to the Daley lease with the provision that no feeding or watering station be placed in, or adjacent to the canyon, since any damage caused by cattle would be negligible;

3. The Little Blair Valley again be included in the areas leased for grazing since there is no evidence that it receives enough public use to justify its exclusion;

4. All of the Ralph Jasper lease be continued as a grazing area in view of the fact that this includes some of the best range land in the park and is far more valuable for range than for park purposes;

5. The grazing of cattle in Palomar State Park not be renewed;

6. There are large areas in Cuyamaca Rancho State Park which are used very little by the public and which should be opened to proper grazing so as to provide a substantial economic return and also to reduce fire hazards; and

WHEREAS, These recommendations provide a policy that is fair and equitable to both cattlemen and the public and also beneficial to the interests of the entire State since the following of such recommendations would make much needed grazing land available without prejudice to the value of the parks as places of public recreation, and in addition the continuance of such grazing would create revenues for the State Park Maintenance Fund; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Park Commission is hereby directed to adopt the recommendations as set forth above, with respect to its grazing policies in the named parks; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Chairman of the State Park Commission and the Chief of the Division of Beaches and Parks, Department of Natural Resources.

CHAPTER 317

Assembly Joint Resolution No 38—Relative to federal participation in aid payments.

[Filed with Secretary of State, June 17, 1957.]

WHEREAS, Under existing procedures federal participation in aid payments to applicants for aid to the aged, aid to the needy blind, and aid to needy children does not ordinarily take place until the eligibility of such applicants is approved by the Federal Government; and

WHEREAS, As a consequence of this practice, initial aid payments to recipients is in many instances delayed for a considerable period of time awaiting federal action, despite the fact that the individual has been certified to be eligible by the proper local authorities; and

WHEREAS, Federal rules do not permit retroactive payments to such applicants to cover the period commencing with the establishment of their eligibility by local authorities and the granting of federal approval, thereby resulting in extreme hardship to the recipients; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of this State hereby requests the Federal Department of Health, Education, and Welfare to revise its rules and regulations to the extent possible to provide for federal participation in aid payments to recipients of the categorical aids from the date upon which such recipients are found to be eligible by local authorities; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Secretary of the United States Department of Health, Education, and Welfare.

CHAPTER 318

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1½ to Article II thereof, relating to the right of new residents to vote for presidential electors.

[Filed with Secretary of State, June 17, 1957.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1957 Regular Session commencing on the seventh day of January, 1957, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 1½ to Article II thereof, to read:

SEC. 1½. The Legislature may extend to persons who have resided in this State for at least 54 days but less than one year the right to vote for presidential electors, but for no other office; provided, that such persons were either qualified electors in another state prior to their removal to this State or would have been eligible to vote in such other state had they remained there until the presidential election in that state, and; provided further, that such persons would be qualified electors under Section 1 hereof except that they have not resided in this State for one year.

CHAPTER 319

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 14 of Article I thereof, relating to eminent domain.

[Filed with Secretary of State, June 17, 1957]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1957 Regular Session commencing on the seventh day of January, 1957, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 14 of Article I to read:

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way or lands to be used for reservoir purposes shall be appropriated to the use of any corporation, except a municipal corporation or a county or the State or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in any proceeding in eminent domain brought by the State, or a county, or a municipal corporation, or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation, the aforesaid State or municipality or county or public corporation or district aforesaid may take immediate possession and use of any right of way or lands to be used for reservoir purposes, required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a

court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

In any proceeding in eminent domain brought by the State, or a county, or a municipal corporation or any other public agency or corporation empowered to construct and maintain an airport, the State or county or municipal corporation or public agency or corporation may take immediate possession and use of any right of way or lands to be used for airport purposes, and in any proceeding in eminent domain brought by a school district, that school district may take immediate possession and use of any right of way or lands to be used for school purposes, required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law; provided, that such public agency shall, at least ninety (90) days prior to the time possession of such right of way or lands to be used for airport or school purposes is taken, personally serve on, or mail to, the owners of the property, if known, and the persons in possession of the property, if any, either a copy of the order of the court authorizing such possession or a notice thereof, in such manner as the court may direct or as the Legislature may prescribe. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. In connection with the taking of immediate possession, the Legis-

lature may establish procedures permitting the withdrawal of a portion of the deposit by the party whose property or interest is being taken, pending the final determination of just compensation, and for the passage of title to the property upon such withdrawal.

CHAPTER 320

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivisions (a) and (b) of Section 2 of Article IV thereof, relating to legislative sessions.

[Filed with Secretary of State, June 17, 1957.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1957 Regular Session commencing on the seventh day of January, 1957, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First, that subdivision (a) of Section 2 of Article IV be amended to read:

SEC. 2. (a) The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days in duration, not including Saturdays or Sundays.

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January.

At the general session, no bill, other than the Budget Bill, shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced; provided, that this provision may be dispensed with by the consent of three-fourths of the members of the house.

Second, that subdivision (b) of Section 2 of Article IV be amended to read:

(b) Each Member of the Legislature shall receive for his services the sum of five hundred dollars ($500) for each month of the term for which he is elected.

No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (1) while attending

a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers), not exceeding the duration of any general session or of any budget session or the duration of a special or extraordinary session or (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, 40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees, but not exceeding 60 days in the aggregate for all such committee work. The limitations in this subsection (b) are not applicable to mileage allowances.

CHAPTER 321

Assembly Concurrent Resolution No. 90—Relative to the reports of veterans organizations.

[Filed with Secretary of State, June 17, 1957.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be published 500 copies of the sessions or reports of the annual convention of the Disabled American Veterans of the Department of California, annual conventions of the American Veterans of World War II (AMVETS), and annual conventions of the Military Order of the Purple Heart during the years 1957 and 1958, respectively. The reports shall include only the official actions of the conventions made by motions or resolutions and shall not include an appendix. There shall be 150 copies of each for the use of the Senate and 350 copies of each for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 322

Assembly Concurrent Resolution No. 150—Relative to expenses of the Joint Interim Committee on Uniform Laws.

[Filed with Secretary of State, June 17, 1957.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of one thousand dollars ($1,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Uniform Laws (created by Assembly Bill No. 1354 of the 1957

Regular Session), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 323

Assembly Concurrent Resolution No. 177—Relative to the creation of the Joint Interim Committee on Speed Zones and Speed Limit Signs, and a nonlegislative advisory committee in connection therewith.

[Filed with Secretary of State, June 17, 1957]

WHEREAS, A great number of speed zones are established and speed limit signs are posted on the highways of the State by the Division of Highways; and

WHEREAS, There is need for an interim legislative study and investigation of the establishment of speed zones and the posting of speed limit signs, and of the laws relating thereto; and

WHEREAS, There is need for an organization composed of representatives of interested groups and state agencies to confer with and advise the Division of Highways and the legislative committee created by this resolution in regard to such matters; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Interim Committee on Speed Zones and Speed Limit Signs is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the establishment of speed zones on highways and the posting of speed limit signs in connection therewith, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of one Member of the Senate, appointed by the Committee on Rules thereof, and one Member of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session, with authority to file its final report not later than the fifth legislative day after the constitutional recess of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted

and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

7. The Director of Public Works is hereby requested to appoint a committee composed of a member of the Division of Highways nominated by such division, a member of the California Highway Patrol nominated by the Commissioner of the California Highway Patrol, and two citizen members of the Governor's Advisory Committee on Motor Vehicle Legislation, nominated by the Governor, to confer with and advise the Division of Highways and the committee created by this resolution on matters relating to the establishment of speed zones and posting of speed limit signs on the highways of this State. The members of such committee shall serve without compensation or reimbursement for expenses incurred.

8. The Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Governor of the State of California, the Department of Public Works, and to the Department of the California Highway Patrol.

CHAPTER 324

Assembly Concurrent Resolution No. 181—Relative to meeting scheduled dates for opening buildings at state colleges.

[Filed with Secretary of State, June 17, 1957.]

WHEREAS, The crest of the tremendous postwar population increase in school age children is now reaching the college level; and

WHEREAS, The development of the State of California to its fullest potential depends in a large degree upon the availability of citizens who have received the education and training necessary to prepare them for occupations and professions requiring technical and scientific knowledge and skills; and

WHEREAS, The state colleges of California play a major role in this field of education and training, not only because it is their responsibility to prepare students for occupations and professions in private enterprise but because state colleges bear the greatest responsibility of all institutions of higher education in training students to become teachers in the public schools; and

WHEREAS, The need for additional state colleges established by the Legislature at its current session and the additional buildings and facilities for existing state colleges and for which funds have been made available is both immediate and urgent; and

WHEREAS, In this period of rising construction costs, any delay in furnishing state college facilities which are scheduled for construction and for which money has been provided results in a needless increase in cost of such facilities, and thus further aggravates the problem of meeting the pressing need for additional facilities; and

WHEREAS, The full cooperation and agreement of the Department of Finance, the Department of Education, the state colleges, the State Personnel Board, the Division of Architecture in the Department of Public Works, and the Legislative Auditor is essential in order that the schedules for the state college building program be met in an expeditious fashion; and

WHEREAS, This full cooperation and agreement has not been evidenced by meeting the scheduled dates for opening buildings at state colleges; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature stress the utmost urgency and necessity for full cooperation and agreement among state agencies so that the scheduled dates for opening presently authorized buildings at state colleges will be met; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Director of Education, the Director of Finance, the Director of Public Works, the president of each state college, each member of the State Personnel Board, and the Legislative Auditor.

CHAPTER 325

Assembly Concurrent Resolution No. 191—Relating to the establishment of a temporary state college at the United States Maritime Station in the City of Alameda.

[Filed with Secretary of State, June 17, 1957.]

WHEREAS, The rapid growth of population in the State of California and the great increase in numbers of high school graduates has brought about the overcrowding of the present state college facilities and has made imperative the establishment of additional state colleges; and

WHEREAS, It has come to the attention of the Legislature of the State of California that facilities which would permit the immediate establishment in the City of Alameda of a temporary state college are available, situated in one of the State's most rapidly expanding centers of population, in the form of a "mothballed" United States Maritime Station; and

WHEREAS, The facilities available include buildings with classroom space and all necessary furniture and equipment, recreational facilities, a swimming pool, parking space, a completely equipped cafeteria, machine shops, shop buildings, and student housing; and

WHEREAS, These facilities, if utilized as soon as practicable would, because of their location, ease already overcrowded conditions at the state colleges in San Francisco and San Jose, and provide more time for planning the establishment of permanent state college facilities at the locations at which careful study dictates they be situated, would involve a minimum of expense to the taxpayers of the State without causing the removal of presently taxable property from public tax rolls, and would result in an actual reduction of federal expenditure; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Education be requested to report to the Legislature at its 1958 Regular Session on the suitability and cost of the United States Maritime Station for temporary use as an educational facility; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Superintendent of Public Instruction.

CHAPTER 326

Assembly Concurrent Resolution No. 198—Relative to directing the joint interim committee to conduct studies as to the economic feasibility of the Feather River Project.

[Filed with Secretary of State, June 17, 1957.]

WHEREAS, The Legislature has heretofore appropriated the sum of twenty-five million one hundred ninety thousand

dollars ($25,190,000) at its 1957 Regular Session for the relocation of a state highway and railroad necessary to the construction of the Oroville Dam as a part of the Feather River Project, and has under consideration additional appropriations for other expenses necessary to the construction of the Feather River Project: and

WHEREAS, The engineering feasibility of the Feather River Project has been demonstrated both in the reports of the Department of Water Resources, and its predecessors, and by independent engineers; and

WHEREAS, All of the reports heretofore made available to the Legislature have treated only superficially the economic and financial feasibility of the Feather River Project; and

WHEREAS, The Legislature has not yet established policies to evaluate the economic and financial feasibility of the Feather River Project and other projects contained in The California Water Plan; and

WHEREAS, The Department of Water Resources has published Bulletin No. 59, Interim Report on Engineering, Economic and Financial Feasibility of Initial Units of the Upper Feather River Basin and Bulletin No. 60 on the Salinity Control Barrier Investigation, which bulletins base their evaluation of the economic and financial feasibility of these projects on assumptions rather than policy established by the Legislature, and the department has been directed by the Legislature to undertake a substantial number of additional project investigations which can be based only on assumptions in lieu of policy determinations by the Legislature; and

WHEREAS, The Department of Water Resources has just published Bulletin No 3, The California Water Plan, which contains on page XV a recommendation by the department's Board of Consultants that "more detailed investigation and study be made of component features of The California Water Plan to determine need, engineering feasibility, economic justification, financial feasibility, and recommended priority of construction"; and

WHEREAS, The Department of Water Resources is now undertaking work necessary to gather basic data from which it can establish the economic and financial feasibility of the Feather River Project if the department receives the necessary policy directives from the Legislature; and

WHEREAS, The wisdom of policies adopted by the Legislature for determination of economic and financial feasibility of the Feather River Project and other units of The California Water Plan have an important relation to continued federal participation in water resources development in California and to the provisions of any plan adopted by the Legislature for financing the Feather River Project and other units of The California Water Plan; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Interim Committee on Water Problems is directed to hold hearings and to study

the problems involved in establishing policies to be used by the State of California in evaluating economic and financial feasibility of the Feather River Project and other units of The California Water Plan and to recommend appropriate policies to the Legislature for adoption. Among the specific problems to be resolved are the determination of the State's interest in constructing or assisting local projects, the determination of which project purposes of multiple-purpose projects should be reimbursable or nonreimbursable and the degree of such reimbursability, the method of cost allocation to be used, the basis of establishing rates for project services, methods of evaluating benefits and costs and the resolution of any conflicts between desirable state policies and established federal policies. In undertaking the above work the Joint Interim Committee on Water Problems is authorized in addition to its other powers to secure information from appropriate federal, state, and local agencies, to obtain the services of consultants, and to secure other information and investigate related problems as may be appropriate.

CHAPTER 327

Assembly Concurrent Resolution No. 207—Relative to the prevention of poliomyelitis.

[Filed with Secretary of State, June 17, 1957.]

WHEREAS, The state-wide medical campaign to prevent poliomyelitis, one of the cruelest killers and cripplers known in the history of mankind, will end about July 1, 1957; and

WHEREAS, In this campaign thousands of local health officers, private medical practitioners, public officials, citizens, and the State Department of Public Health have given generously of their time and their effort to contribute to the overwhelming success of the program, and in which they have been unselfishly assisted by members of medical societies, numerous church and school groups, civic organizations, labor unions, commercial enterprises and many other conscientious community agencies; and

WHEREAS, Because of the deep concern these individuals and agencies have exhibited on behalf of their fellow man, more than 3,000,000 residents of the State of California have been provided with a measure of protection against dreaded poliomyelitis by being inoculated with a preventive vaccine, thus contributing materially to the health and the well-being of our people and our communities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the individuals and the agencies who have participated in this magnificent volunteer program on behalf of humanity deserve, and they are hereby tendered, the warmest words of praise and appreciation from all of the people of the State of California;

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Director of the State Department of Public Health.

CHAPTER 328

Assembly Concurrent Resolution No. 209—Relative to creating the Joint Interim Committee on the Special Education and Rehabilitation of Handicapped Children and Adults.

[Filed with Secretary of State, June 17, 1957.]

WHEREAS, There is in California an increasing number of persons handicapped by accidents, disease and from congenital conditions, and it is in the interest of the State to provide such rehabilitation services as are necessary to return them to employment and self-support; and

WHEREAS, Studies reveal that only a small percentage of those workers severely disabled by industrial accidents receive rehabilitation services; and

WHEREAS, There are in our public sanatoriums a large number of tuberculosis patients who are maintained at public expense and will require rehabilitation services to assist them in returning to suitable employment, and such services are not now being adequately provided; and

WHEREAS, A high percentage of those persons receiving public assistance are incapacitated by physical disabilities and it has been demonstrated that many of them can be returned to employment through the application of appropriate rehabilitation services; and

WHEREAS, The establishment of handicapped individuals in business enterprises has provided a successful means of providing rehabilitation services, and an expansion of this type service has been recommended; and

WHEREAS, There are a number of persons who cannot be employed in competitive industry, and it has been recommended that sheltered workshops be established to provide employment and opportunities for self-support; and

WHEREAS, The increase in chronic disease and mental illness has continued and has contributed to the increase in the number of persons confined to institutions at public expense; and

WHEREAS, There are a number of state agencies rendering related services to the handicapped adult without any administrative or functional integration of such services; and

WHEREAS, The Legislative Auditor has recommended that a study be made concerning the location of these services in the various state agencies and how these services can best be coordinated; and

WHEREAS, The Legislative Auditor has recommended that a master plan of rehabilitation services be developed; and

WHEREAS, The education of children is essentially an obligation of the State wherein the philosophy of equal opportunity is recognized; and

WHEREAS, There is an increased number of children who, due to physical and mental handicaps, cannot accommodate themselves to, or profit from, the programs of education offered to children who do not suffer from such handicapping conditions; and

WHEREAS, The distribution of the various types of handicapped children over the State, particularly in rural areas, makes it difficult for many school districts to maintain adequate programs of special education; and

WHEREAS, Special skills are required in the education and training of handicapped children, and there is a shortage of teachers in this field; and

WHEREAS, There are few programs adapted to the needs of handicapped children at the secondary level and there are few organized programs for the vocational guidance and training of the handicapped child; and

WHEREAS, There are a number of agencies rendering related services to the handicapped child without any direct administrative coordination of such service; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Interim Committee on the Education and Rehabilitation of Handicapped Children and Adults is hereby created, authorized, and directed to study and analyze the existing state policies pertaining to the education and rehabilitation of all types of physically and mentally handicapped persons, with particular reference to the financial, administrative, professional, and legal problems involved in providing special education and rehabilitation for such persons, including, but not limited to, the study, analysis and investigation of all matters pertaining to this resolution. The committee shall advise and confer with the Department of Education, Department of Social Welfare, Department of Public Health, Department of Mental Hygiene, and any other department of this State having functions pertaining to the welfare of physically handicapped persons, and the appropriate officers and agencies thereof, to consider and prepare such new legislation as may in any way bear upon or relate to the subject of this resolution.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof, and five Members of the Senate appointed by the Rules Committee thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3 The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session, with authority to file its final report not later than the fifteenth day after the end of the constitutional recess.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To meet at the State Capitol or at any place within the State or the United States.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars ($10,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Assembly and the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 329

Assembly Concurrent Resolution No. 211—Relative to the creation of the Joint Interim Committee on Water Resources Development Problems.

[Filed with Secretary of State, June 17, 1957.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Interim Committee on Water Resources Development Problems is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the solu-

tion of problems in connection with the development of the water resources of the State, including but not limited to state policy in connection with the development of water resources, matters relating to the reservation of water for areas in which such water originates, or other means of protection for such areas, matters relating to contracts for water or power from state water development projects, and matters relating to the financing of water development projects. Such study shall be devoted primarily to the operation, effect, administration, enforcement and needed revision of the Constitution of the State of California insofar as it bears upon or relates to the subject of this resolution, and the committee shall report thereon to the Legislature, including in the reports its recommendations for appropriate amendment of the Constitution.

Whenever six Senators and six Members of the Assembly on this committee have reached an agreement on a proposed constitutional amendment with respect to the subject matter of this resolution, they shall report thereon to the Governor, the Lieutenant Governor, the President pro Tempore of the Senate, and the Speaker of the Assembly, and the Governor is hereby requested thereupon to convene the Legislature in an extraordinary session as soon thereafter as is feasible, for the purpose of considering and acting upon such proposed constitutional amendment.

2 The committee shall consist of nine Members of the Assembly appointed by the Speaker thereof, and nine Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this reso-

lution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 330

Assembly Concurrent Resolution No. 206—Relative to the creation of the Joint Legislative Tax Committee.

[Filed with Secretary of State, June 20, 1957.]

WHEREAS, There is an urgent need for a complete and thorough examination of the tax structure of the State of California and its political subdivisions and to prepare a tax program for the future. In view of the impending, urgent fiscal needs of state and local governments in California, and the substantial and ever-increasing total tax burden upon all taxpayers, and in view of the fact that California's General Fund operating deficits will range from fifty million dollars ($50,000,000) to one hundred fifty million dollars ($150,000,000) during the years immediately ahead, it is imperative that a comprehensive study be made of the State's tax structure and that specific recommendations be made to the Governor and the Legislature concerning ways of raising additional revenues while assuring that California's total tax structure is the fairest and most equitable for all taxpayers consistent with the needs of an expanding economy; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Legislative Tax Committee is hereby created and authorized and directed to ascertain, study and analyze all facts relating to all phases of taxation and revenue as they pertain to California state and local government as a basis for accomplishing the program contemplated by this resolution, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

In addition the committee shall:

1. Estimate for each of the several years through 1965-66 the productivity of each existing tax or revenue source and total state revenues to be expected for each year.

2. Evaluate the existing tax structure and individual taxes as to impact and equity among taxpayer and income groups.

3. Evaluate the existing tax structure and individual taxes in terms of detrimental effect upon the orderly development of the State's economic resources, industry, commerce, and agriculture.

4. Identify and evaluate existing preferential tax treatment as between taxpayer groups or tax bases.

5. Compare California taxes both as to rate and burden with other large industrial states, and also compare both total and per capita expenditures with such states.

6. Estimate for each of the several years through 1965-66 expenditures of the State for each of the major budgetary classifications, and also the total expenditures from the State's General Fund.

7. Recommend to the Governor and the Legislature tax proposals which will produce revenues to the State's General Fund in such amounts as would be needed to supplement existing revenues in meeting the annual expenditures as estimated in Item 6 above. This recommendation shall be reported to the Governor and the Legislature not later than the thirtieth legislative day of the 1959 Regular Session of the Legislature.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the final adjournment of the 1959 Regular Session, with authority to file its final report not later than the last legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such

services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To employ a staff director in addition to other technical and clerical employees as authorized by the joint rules.

(g) To travel or appoint a subcommittee or committee employee to travel within or outside of this State and the United States in pursuing the investigation committed to it.

6. The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

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CHAPTER 331

Assembly Concurrent Resolution No. 208—Relative to a bridge across Montezuma Slough.

[Filed with Secretary of State, June 20, 1957]

WHEREAS, A bridge across Montezuma Slough to provide access to hunting areas should be of a type of construction which will provide the greatest possible recreational value; and

WHEREAS, Recreational values to be considered are not only those of access to various land areas but also include fullest utilization of Montezuma Slough and the other water areas for boating; and

WHEREAS, The cost of any bridge of a particular type should properly be carefully weighed against the recreational values obtainable by the various possible types of bridge; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Fish and Game is hereby requested and directed to make a thorough study of a bridge across Montezuma Slough with particular emphasis on the cost of each of the various possible types of bridge in relation to the recreational values to be served by

each type of bridge and make a report of this study to the Legislature not later than the fifth day of the 1958 Regular Session, but in no case shall this resolution be construed as requiring the department to delay construction of the bridge after it has determined the facts as required by this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of the Department of Fish and Game.

CHAPTER 332

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XVI thereof, relating to state indebtedness.

[Filed with Secretary of State, June 21, 1957]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1957 Regular Session, commencing on the seventh day of January, 1957, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1 of Article XVI thereof, to read:

SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities exceed the sum of three hundred thousand dollars ($300,000), except in case of war to repell invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all of the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each of at least 50 of the counties, (including at least the five largest counties

as determined by the last federal census of population) and in each city and county throughout the State for eight weeks next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

CHAPTER 333

Senate Concurrent Resolution No. 54—Relative to reports of the department encampments or conventions of the United Spanish-American War Veterans.

[Filed with Secretary of State, June 21, 1957.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the department conventions or encampments of California of the United Spanish-American War Veterans for the years 1957 and 1958, respectively. The reports shall include only the official actions of the conventions made by motions and resolution and shall not include an appendix. There shall be 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 334

Senate Concurrent Resolution No. 55—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

[Filed with Secretary of State, June 21, 1957.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the report of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California during the years 1957 and 1958, respectively. The reports shall include only the official actions of the conventions made by motions and resolutions and shall not include an appendix. There shall be 150 copies for the use of the Senate, and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 335

Senate Concurrent Resolution No. 56—Relative to reports of the annual conventions of the American Legion.

[Filed with Secretary of State, June 21, 1957]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the annual conventions of the American Legion for the years 1957 and 1958, respectively. The reports shall include only the official actions of the conventions made by motions and resolutions and shall not include an appendix. There shall be 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 336

Senate Concurrent Resolution No. 92—Relative to the creation of the Joint Committee on Assessment Practices.

[Filed with Secretary of State, June 21, 1957]

WHEREAS, The ad valorem property tax is now, and will remain, the fiscal base of local government in California, so that the proper functioning of all units of local government depends upon the sound and equitable functioning of the ad valorem property tax; and

WHEREAS, Equity in property taxation requires that all taxable property be subject to assessment at the same percentage of market value; and

WHEREAS, The proper distribution of state funds to school districts and to other recipients of state aid depends upon an equalization of assessments made for purposes of taxation; and

WHEREAS, Section 14 of Article XIII of the California Constitution requires that all property assessed by the State Board of Equalization "shall be subject to taxation to the same extent and in the same manner as other property"; and

WHEREAS, A question has arisen as to whether state-assessed property is now assessed by the State Board of Equalization to the same extent and in the same manner as locally assessed property is being assessed by county assessors, and whether the equity requirements of the California property tax structure are now being fulfilled; and

WHEREAS, Questions have arisen as to whether state-assessed property is, by nature, economically different from some locally assessed property, and as to whether some types of locally assessed properties, such as large industries and commercial establishments, are, by nature, economically different from some other types of locally assessed properties,

such as farm properties, in such a way as to make it impossible to determine the market value of the several classes of property on the same basis; and

WHEREAS, It is of vital importance to all units of government and all taxpayers in California that these questions be resolved at the earliest possible date; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Interim Committee on Assessment Practices is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon the assessment practices of local assessors and the State Board of Equalization and the appraisal practices of the State Board of Equalization with respect to locally assessed property which are designed to facilitate those equalization functions of the board which it is constitutionally required to perform; including but not limited to the following matters: whether state-assessed property is being assessed by the State Board of Equalization to the same extent and in the same manner as locally assessed property is being assessed by county assessors; whether the equity requirements of the California property tax structure are now being fulfilled; whether state-assessed property is, by nature, economically different from some locally assessed property, and whether some types of locally assessed properties are, by nature, economically different from some other types of locally assessed properties, so as to make it impossible to determine the market value of the several classes of property on the same basis; and including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof from the membership of the Assembly Committee on Revenue and Taxation. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session, with authority to file its final report not later than the tenth legislative day of that session.

4. The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provi-

sions are incorporated herein and made applicable to this committee and its members.

6 The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with nongovernmental agencies or with individuals not employed by a governmental agency for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created. "Governmental agency" does not include any department, school, institute, bureau, or any other agency of any university or other institution of higher education.

(c) To cooperate with and secure the cooperation of county, city and county, and other local law enforcement agencies, and civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than the tenth legislative day of the 1959 Regular Session.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and to accomplish the objects and purposes of this resolution.

7. The sum of two hundred thousand dollars ($200,000) or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 337

Senate Concurrent Resolution No. 105—Relative to the creation of the Joint Committee on Water Problems.

[Filed with Secretary of State, June 21, 1957]

WHEREAS, The industry and agriculture of our State is dependent upon an adequate water supply which can be obtained only through the full development and utilization of our water resources; and

WHEREAS, Our present water supply is insufficient to fulfill even the present needs of the people of this State and the urgent need for the immediate completion of a comprehensive

and coordinated program for the conservation of all of our water resources; and

WHEREAS, Much state legislation is pending and contemplated for consideration for the purpose of making the maximum possible beneficial use of the waters of the State; and

WHEREAS, There is much federal legislation now pending and in contemplation for enactment which would provide for various federal activities in connection with the solution of our water development and conservation problems, and there is much confusion as to just how California and the Federal Government may best cooperate in solving these problems, and a comprehensive plan should be carefully worked out for such cooperation between them; and

WHEREAS, The Central Valley Project is an integral part of the full development of the water resources and it is necessary to study means whereby the State can best assist in accomplishing its completion at the earliest possible date; and

WHEREAS, The San Francisco Bay area and coastal counties are in need, desperately, of an additional supply of fresh water; and

WHEREAS, It is necessary that a study be made of the means by which such a supply can be obtained for this area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Committee on Water Problems is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution; any and all phases of flood control, river flow control and equation, domestic use, irrigation, reclamation, and power development of water, including the bearing thereof upon the economic, recreational and other needs of the people of the State and the relation thereof to the wild life and other natural resources of the State; the best means of cooperation with federal, local and other governmental agencies; the feasibility of the transfer of the Central Valley Project to this State for ownership and operation, including the development of plans for the negotiation of such transfers; and the means for securing an additional fresh water supply for the San Francisco Bay area and coastal counties, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of 10 Members of the Senate appointed by the Committee on Rules thereof, and 10 Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjourn-

ment until the commencement of the 1959 Regular Session, with authority to file a partial report not later than March 15th, and its final report not later than the last day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee or any subcommittee may meet and travel within or outside this State in pursuing the investigations committed to it.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To employ engineers and such other technical and clerical assistants as may be necessary to enable the committee to properly conduct its studies.

7. The sum of sixty thousand dollars ($60,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee created by this resolution and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 338

Senate Concurrent Resolution No. 123—Relative to the Joint Interim Committee on Agriculture and Livestock Problems.

[Filed with Secretary of State, June 21, 1957.]

WHEREAS, At each session of the Legislature numerous bills relating to or affecting agriculture and related matters are introduced; and

WHEREAS, In order to properly consider such measures it is necessary that the Legislature be fully informed as to all facts directly or indirectly bearing thereon; and

WHEREAS, There are numerous items appropriating large sums of money for capital outlay in the State Budget, which include providing structures and facilities for agricultural activities at the several institutions, schools, and colleges; and

WHEREAS, The inspection, recommendation and advice of the Joint Interim Committee on Agriculture and Livestock Problems resulting from its activity in 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, and 1957 has resulted in a more orderly and economical development of agricultural activities at the several state institutions and schools, and the procedure of having the said joint committee inspect and review such expenditures has met with the general approval of all concerned; and

WHEREAS, In the process of making a review of the budgets of various institutions it has come to the attention of this committee that the manner in which expenditures are made for agricultural facilities at the institutions materially affects the operating costs of the institutions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Legislative Committee on Agricultural and Livestock Problems is hereby created and authorized and directed to ascertain, study and analyze all facts in any manner affecting agriculture, the livestock industry and dairying, and poultry producers and problems pertaining to poultry production as set forth in Assembly Concurrent Resolution No. 59 of this session, and any and all matters incidental or pertaining thereto, and in all their several phases, including but not limited to all facts and matters pertaining to livestock diseases and the effect or possible effect thereof on the livestock industry including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of eight Members of the Senate appointed by the Committee on Rules thereof, and eight Members of the Assembly, appointed by the Speaker thereof.

Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3 The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session, with authority to file a partial report not later than March 15th, and its final report not later than the last day of that session

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To travel, or appoint a subcommittee to travel, within or outside of this State and the United States in pursuing the investigation committed to it.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6 The sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That no money be spent for capital outlay providing for plans, specifications, construction or purchase of new facilities which is used for agricultural purposes until such facilities, equipment or item to be provided thereby is reviewed and inspected by the Joint Interim Committee on

Agriculture and Livestock Problems and a report thereon has been filed with the Director of Finance of the State of California; and be it further

Resolved, That the recommendations of said committee be immediately put into effect by the Department of Finance in order that any resulting economies may be reflected as soon as practicable.

CHAPTER 339

Senate Concurrent Resolution No. 126—Relative to a study of the Department of Fish and Game and the Fish and Game Commission.

[Filed with Secretary of State, June 21, 1957.]

WHEREAS, Senate Bill No. 325 of the 1957 Regular Session directs a study be made of existing and proposed programs and plans of the Department of Fish and Game and the policies of the Fish and Game Commission; and

WHEREAS, Such study is deemed necessary in relation to future uses of additional revenue provided for the department by Senate Bill No. 325; and

WHEREAS, There are several particular topics that should be included in this over-all study but the study should properly be made by an agency other than the agency which is the subject of the study; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Budget Committee is hereby authorized and directed, through the Legislative Analyst, to execute a contract or contracts with qualified persons, firms, or corporations under which such persons, firms, or corporations will conduct the studies specified in Senate Bill No. 325 of the 1957 Regular Session, including but not limited to studies relative to (1) an evaluation of the artificial propagation programs of the Department of Fish and Game with the aim of establishing levels of emphasis and expenditure for these programs in relation to the emphasis and expenditure that should be accorded improvement of habitat and natural conditions; (2) a review of the methods and procedures of administration of the department both on the headquarters and regional levels to determine if general business functions are operating with all possible efficiency and to ascertain if there is a possibility of effecting any consolidation of regional administration operations; (3) a survey of the conservation education activities of the department with the aim of evaluating the function of this branch and the publications and printing of the department; (4) consideration of the effectiveness of the department's use of funds received under the Pittman-Robertson Federal Aid in Wildlife Restoration Act and the Dingell-Johnson Federal Aid in Sport Fish Restoration Act to determine if the best possible utilization

is being made of these funds; (5) a survey of predatory animal control, particularly existing duplicating activities; and be it further

Resolved, That said contracts shall require the studies to be completed by a date which is early enough to permit a preliminary report to be made by the committee to the Legislature on or before the fifth day of the 1958 Regular Session and a final report not later than the fifteenth day of the 1959 Regular Session.

CHAPTER 340

Senate Concurrent Resolution No. 133—Relative to the membership of the Legislative Budget Committee.

[Filed with Secretary of State, June 21, 1957.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule Number 37 of the Joint Rules of the Senate and Assembly is hereby amended to read:

37. In addition to any other committee provided for by these Rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not re-elected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of

the Assembly whose term is expiring whenever he is not re-elected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the Government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with

the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

CHAPTER 341

Senate Concurrent Resolution No. 134—Relative to the Joint Interim Committee on Highway Problems

[Filed with Secretary of State, June 21, 1957.]

WHEREAS, After full legislative consideration a program of additional financing of state highways was adopted by the Legislature in 1953 and extended in 1955; and

WHEREAS, Present taxes for highway purposes are scheduled for reduction in 1959; and

WHEREAS, The Federal-aid Highway Act of 1956 has been enacted providing California with certain additional funds for state highway construction; and

WHEREAS, Further congressional action on the federal highway program to be taken in 1958 will vitally affect the financing of California's highways; and

WHEREAS, Needs of county roads and city streets are directly related to the state highway program; and

WHEREAS, The Legislature in its 1957 Session has enacted Senate Concurrent Resolution No. 26 requesting the Department of Public Works to prepare, with the advice of a select committee of county and city officials, an engineering plan for a state-wide system of freeways and expressways, and to report its findings to a legislative interim committee by September 1, 1958; and

WHEREAS, The Legislature has need of the latest complete information on all of the foregoing matters so that it may enact legislation giving proper and balanced consideration to the problems of state highways, county roads, and city streets, particularly in respect to the extent of the program needed for each system and the methods of financing those programs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Interim Committee on Highway Problems is hereby created, appointed, authorized, and directed to ascertain, study, and analyze all facts relating to the following:

(a) California's highway, road, and street needs, including an appraisal of all deficiencies with respect thereto;

(b) The efficiency and effectiveness of state highway, county road, and city street expenditures, including a determination of whether unnecessary, wasteful or extravagant expenditures have been or are being made by any agency of government;

(c) Budgetary practice relating to highways, roads, and streets of the State, counties, and cities;

(d) The effectiveness and efficiency of present administrative arrangements pertaining to highways, roads, and streets;

(e) The effectiveness of present policies of the state and local agencies with respect to advance planning of highway construction and the advance acquisition of rights of way;

(f) The costs and economic effects of present policies with respect to the construction of limited access highways and metropolitan freeways;

(g) The desirability of establishing a system of freeways and expressways;

(h) Alternative methods of financing the highway, road, and street modernization programs of California;

(i) Alternative methods of taxing heavy commercial vehicles equitably in relation to taxes on other highway users, including consideration of the impact and revenues derived from the motor vehicle transportation license tax and alternatives therefor;

(j) The collection and evaluation of data which will provide an equitable basis for the allocation of funds for highway purposes among the various levels of government in this State and among the geographic areas of the State;

(k) The effect of federal aid for any class or classes of highways, roads, and streets in this State, together with the related effects on other highways, roads, and streets, including the possibility of reapportioning funds allocated for highways on which increased federal aid is available for use on other highways, roads, and streets.

2 The committee shall consist of the President pro Tempore of the Senate and six other Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the Senate membership of the committee shall be filled by the Senate Committee on Rules The committee shall also consist of the Speaker of the Assembly and six other Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the Assembly membership of the committee shall be filled by the Speaker or, if there be no Speaker, by the Assembly Committee on Rules.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final ad-

journment until the commencement of the 1959 Regular Session, with authority to file a partial report not later than the fifteenth of March, and its final report no later than the last day of that session.

4. The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership;

(b) To employ an executive secretary, engineers, auditors, and other personnel as it deems necessary to carry out the purposes for which it is created;

(c) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(d) To cooperate with and secure the cooperation of county, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders, and other process issued by the committee;

(e) To collect by questionnaires, direct investigation, or otherwise, all such information from the owners and operators of motor vehicles on the highways, roads, and streets of this State as it deems necessary in order to formulate a reasonable and equitable system of highway user taxation for all classes of motor vehicle operation and to carry out the other purposes for which it is created;

(f) To report its findings and recommendations to the Legislature and to the people from time to time and at any time not later than herein provided;

(g) To meet and act at any place within the State or within the United States;

(h) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The committee is authorized in its discretion to appoint an advisory council to consist of nonlegislative members, but which shall include representatives of major state-wide public and private agencies and organizations having a primary interest in streets and highways, as may be determined and appointed by the committee, which council shall aid and advise the committee in the studies conducted by the latter in carrying out the purposes of this resolution. The advisory council

shall have and exercise such powers and duties as shall be defined from time to time by the committee within the scope of the powers and duties committed to the latter by this resolution.

7. The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 342

Senate Concurrent Resolution No 142—Relative to congratulating Sadie Perlin.

[Filed with Secretary of State, June 21, 1957]

WHEREAS, It has come to the attention of the Members of the Legislature that on June 7, 1957, Sadie Perlin, private secretary to the Honorable Goodwin J. Knight, was named National Secretary of the Year in a nationwide contest in competition with over 30,000 qualified contestants throughout the 48 states; and

WHEREAS, This gracious and charming young woman, who has been the secretary of Governor Knight since he became Governor in 1953 and who prior to that time was a member of his staff when he was Lieutenant Governor, was chosen unanimously by the judges as the recipient of this distinguished award; and

WHEREAS, Miss Perlin received this honor as the result of a contest entry written by Governor Knight in which he stated that she has the requisites of a governor's secretary in a "superlative degree," including loyalty, charm, ability, tact and an appreciation of privacy; and

WHEREAS, It is fitting and proper that the Members of the Legislature take this occasion not only to recognize the outstanding ability of Miss Perlin but also to pay tribute to all those who are engaged in secretarial service and without whom the complicated mechanism of modern business could not begin to function; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That this Legislature extend congratulations to Miss Perlin on being named the National Secretary of the Year; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a suitably prepared copy of this resolution to Miss Perlin.

CHAPTER 343

Senate Concurrent Resolution No. 143—Relative to augmenting the funds of the Joint Committee for School Visitations.

[Filed with Secretary of State, June 21, 1957.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available, the sum of one thousand dollars ($1,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Committee for School Visitations (created by Senate Concurrent Resolution No. 8, 1955 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

CHAPTER 344

Senate Concurrent Resolution No. 144—approving amendments to the charter of the City of Salinas, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held in the City of Salinas on the third day of June, 1957.

[Filed with Secretary of State, June 21, 1957.]

City of Salinas Charter amendments

WHEREAS, Proceedings have been taken for the proposal, adoption, and ratification of amendments to the charter of the City of Salinas, a municipal corporation in the County of Monterey, State of California, as hereinafter set out in the certificate of the mayor and city clerk of said city as follows:

CERTIFICATE OF MAYOR AND CITY CLERK OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss.

Certificate

We, the undersigned, Alva D. Andrus, Mayor of Salinas, and F. E. Heple, City Clerk of Salinas, do hereby certify and declare as follows:

That the city of Salinas, County of Monterey, State of California, is now, and at all times mentioned in this certificate has been, a city containing a population of more than three thousand five hundred (3,500) inhabitants, and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceeding Census taken under the authority of Congress of the

United States, and has been ever since the year 1918, and is now, organized and existing under and pursuant to the provisions of a freeholder's charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at the general election held on the 5th day of November, 1918, in the manner, form, and substance as required by law, and was thereafter duly approved by the Assembly of the State of California, the Senate concurring, and filed with the Secretary of State on the 24th day of January, 1919.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the city of Salinas, being the legislative body of said city, duly and regularly submitted to the qualified electors of said city certain proposals designated as "Charter Amendments" to amend the Charter of said city and to be voted upon by said qualified electors at the general municipal election held in the city of Salinas on the 3rd day of June, 1957.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 15th day of April, 1957, in the Salinas Californian, a daily newspaper of general circulation published in said city of Salinas, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten-point; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the city of Salinas, was published in the Salinas Californian, a newspaper of general circulation published in said city, on the 10th day of April, 1957, and on each day thereafter to and including the 3rd day of June, 1957, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said city to and including the 3rd day of June, 1957, the date fixed for said election.

That said general municipal election was duly and regularly held in said city of Salinas, after due notice given and published, on the 3rd day of June, 1957, which day was not less than forty (40) days, nor more than sixty (60) days, after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Salinas Californian.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared, by the proper officers thereunto duly and properly authorized, that each of the amendments to the Charter

of the city of Salinas hereinafter set forth was ratified by a majority of the electors of said city voting thereon; that the Council of said city did by its Resolution No. 3400 (N.C.S.) duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the city of Salinas so ratified by the electors of said city are in the words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 1

That Section 5 of the Charter of Salinas, together with the title immediately preceding said section which reads "CITY COUNCIL. Powers of City", is amended to read as follows:

"CITY COUNCIL.

"Powers of the City.

City council

"Sec. 5. All the powers of the city, except as otherwise provided by this Charter, are hereby vested in a council of five members, who shall be elected from the city at large. No person shall be eligible to hold the office of Councilman, unless he shall have been a resident and elector of the city of Salinas, or of territory lawfully annexed thereto, for at least two years next preceding his election thereto, or his appointment to fill a vacancy therein, and shall forfeit his office upon ceasing to reside therein.

"If, at any municipal election for members of the City Council, there shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the City Council shall proceed to determine the election of such candidates by lot."

CHARTER AMENDMENT NO. 2

That Section 6 of the Charter of Salinas, entitled "Terms of Office", is amended to read as follows:

"Terms of Office.

Terms of office

"Sec 6 Members of the Council shall be elected for terms of four years each from and after twelve o'clock noon of the first day of July next succeeding their election, and until their successors are elected and qualified. The Councilmen in office, or elected to office, at the time of this amendment of this section taking effect, shall hold office until the end of the term for which they were respectively elected, and until, and not after, their successors are elected and qualified."

CHARTER AMENDMENT NO. 3

That Section 7 of the Charter of Salinas, together with the title thereto, which reads "First Election", is amended to read as follows:

"Next Election.

"Sec. 7. The Council in office during the year 1959 shall provide for an election to be held on the first Tuesday in June of that year, at which the members of the Council shall be chosen to succeed the three members whose terms are about to expire by limitation; thereafter an election shall be held on the first Tuesday in June of every second year, at which members of the Council shall be chosen to succeed those whose terms are about to expire by limitation, or by resignation, or whose offices may have become vacant." Elections

CHARTER AMENDMENT NO. 4

That Section 17 of the Charter of Salinas, entitled "Count Money in Treasury", and providing for the counting of the money in the city treasury of Salinas by the Mayor, City Clerk, and City Attorney on the first Monday of each month, is repealed. Repeal

CHARTER AMENDMENT NO. 5

That Section 26 of the Charter of Salinas, together with the title immediately preceding said section which reads "ELECTION OF COUNCILMEN. Nominations.", is amended to read as follows:

"ELECTIONS.

"Procedure for Holding Elections.

"Sec. 26. The Council shall by ordinance or resolution order the holding of all general and special municipal elections. Unless otherwise provided by ordinances or resolutions hereafter enacted or adopted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter. Elections

"The ordinance or resolution ordering such elections shall specify the objects, purposes, and date thereof. Notwithstanding anything contained in this charter or the general laws, any such election may be called, held, and conducted, and notice thereof given, as provided in such ordinance or resolution calling such election."

CHARTER AMENDMENT NO. 6

That Section 27 of the Charter of Salinas, together with the title thereto which reads "Calling the Election.", is amended to read as follows:

"General Municipal Elections.

"Sec. 27. General municipal elections for the election of officers and for such other purposes as the Council may prescribe, shall be held in said city on the first Tuesday in June of each odd-numbered year, commencing with the year 1959."

CHARTER AMENDMENT NO. 7

That Section 28 of the Charter of Salinas, together with the title thereto which reads "Filing the Returns.", is amended to read as follows:

"Special Municipal Elections.

"Sec. 28. All other municipal elections that may be held by authority of this Charter, or of general law, or by ordinance, or by resolution, shall be known as special municipal elections."

CHARTER AMENDMENT NO. 8

That Section 34 of the Charter of Salinas is amended to read as follows, to-wit:

"Recording and Publication.

Recording and publication

"Sec. 34. All ordinances and resolutions shall be deposited with the City Clerk, who shall record them in a suitable book. All ordinances shall be published once in some newspaper, published and circulated in Salinas, selected and designated by the Council for that purpose, within five days after adoption. The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor."

CHARTER AMENDMENT NO. 9

That Section 39 of the Charter of Salinas is amended to read as follows, to-wit:

"Titles and Appointment.

Titles and appointment

"Sec. 39. In addition to the Council, there shall be the following Executive Officers and Boards; they shall be appointed

by the Council, or by its authority, except as otherwise provided by this Charter:

City Clerk
City Assessor
City Collector
City Treasurer
City Attorney
City Manager
City Engineer
Chief of Police
Superintendent of Streets
Chief of Fire Department
Health Officer

"Provided, the appointment of a City Manager imposes thereby no obligation on the Council to continue a City Manager, if in its judgment the welfare of the city and the efficient administration of city affairs will not be benefited thereby."

CHARTER AMENDMENT No. 10

That Section 43 of the Charter of Salinas is amended to read as follows, to-wit:

"CITY CLERK.

"Duties.

"Sec 43. The City Clerk shall serve as secretary of the Council; shall keep accurate records of the proceedings of each meeting; and shall keep a record of all ordinances and resolutions passed by the Council. City clerk

"He shall countersign all warrants for the payment of money by the city. He shall keep an account of all moneys due to, and all receipts and disbursements by, the municipality, and also an account of all of its assets and liabilities, and of all appropriations made by the Council."

CHARTER AMENDMENT No. 11

That Section 46 of the Charter of Salinas is amended to read as follows, to-wit:

"CITY TREASURER.

"Sec. 46. The City Treasurer shall be the custodian of all moneys of the municipality, and shall keep and preserve the same in such place or places as may be determined by the Council. He shall pay out money only on warrants issued by the persons authorized by law, excepting money due on bonds and coupons." City treasurer

CHARTER AMENDMENT No. 12

That Section 49 of the Charter of Salinas, under the heading "*Board of Education*", is hereby amended to read as follows, to-wit:

"BOARD OF EDUCATION.

Board of Education

Sec. 49. The Board of Education shall be composed of such members, and with powers, duties, and terms of office, as prescribed by the Education Code of the State of California; provided, that all members of said Board of Education in office at the time this amendment takes effect shall continue in office throughout the balance of their respective terms and until their successors are qualified."

CHARTER AMENDMENT No. 13

Repeals

That Section 50 of the Charter of Salinas, entitled "Duties", and relating to the duties of the Board of Education, is hereby repealed.

CHARTER AMENDMENT No. 14

That Sections 51 and 52 of the Charter of Salinas, entitled "Board of Health", and providing for the appointment, powers, and duties of such Board of Health, are repealed.

CHARTER AMENDMENT No. 15

That Sections 55, 56, 57, 58, 59, and 60 of the Charter of Salinas, entitled "Police Court", and providing for the establishment of a Police Court to be presided over by a Police Judge, and establishing the jurisdiction and rules of practice of said Police Court, and otherwise providing for the conduct of said Police Court, are repealed.

CHARTER AMENDMENT No. 16

That Section 74 of the Charter of Salinas entitled "Council to Establish Funds", is amended to read as follows:

"Funds: General Fund.

Funds

"Sec. 74. All monies paid into the City Treasury shall be credited to and kept in separate funds in accordance with the provisions of this Charter, State law, or ordinance. For the purpose of this Charter, the 'General Fund' is established as a medium of control and accounting for city activities other than activities authorized or contemplated by special funds. The Council may establish, by ordinance, other separate funds. All revenues and receipts which are not by this Charter, State law, or ordinance, pledged for special purposes, shall be credited to the General Fund."

CHARTER AMENDMENT No. 17

That Section 83 of the Charter of Salinas, under the heading "Public Utilities. When Authorized May Acquire", is amended to read as follows:

"Sec. 83. The Council may, after being duly authorized thereto by the vote of two-thirds of the electors of Salinas voting at a special election called for that purpose, lease, purchase, construct, acquire, own, control, manage, and operate street railroads within said city or works for supplying said city and its inhabitants with gas, electric or other artificial light, electric power, or local telegraph or telephone service; together with the land, buildings, machinery, pipes, wires, and other articles and appliances necessary or incident to such works." Public utilities

CHARTER AMENDMENT No. 18

That Sections 86 and 87 of the Charter of Salinas under the heading "CLAIMS AND DEMANDS" are amended to read as follows:

"CLAIMS AND DEMANDS.

"Presentation of Claims for Damages.

"Sec. 86. All claims for damages against the city must be verified and filed with the City Clerk within ninety (90) days after the occurrence, event, or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place, and circumstances of the occurrence, and extent of the injuries or damages sustained. All such claims shall be approved or rejected by order of the City Council and the date thereof given. Damage claims

"Presentation of Other Claims or Demands.

"Sec. 87. All other claims or demands against the city except salaries, interest coupons on bonds and bonds of the funded debt, must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such claim or demand shall be filed with the City Clerk and presented by him to the City Manager for examination. If the City Manager finds the amount thereof is legally due, he shall endorse his approval thereon; otherwise he shall endorse his disapproval thereon. The City Manager shall thereupon present said claim or demand, with his written approval or disapproval thereon, to the City Council, who shall examine and allow, in whole or in part, or reject, all such claims or demands. The action of the Council respecting all claims or demands shall be recorded in the minutes of the Council." Other claims and demands

CHARTER AMENDMENT No. 19

That Section 89 of the Charter of Salinas, together with the title immediately preceding said section, which reads "THE INITIATIVE. Procedure.", is amended to read as follows:

"The Initiative, Referendum, and Recall.

Initiative, etc.

"Sec. 89. Except insofar as is otherwise provided by ordinances or resolutions hereafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum, and the recall, in general law cities, shall apply to the use thereof in the city insofar as the same are not in conflict with this Charter."

CHARTER AMENDMENT No. 20

Repeals

That Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, of the Charter of Salinas prescribing procedure for the initiative, referendum, and recall, are hereby repealed.

CHARTER AMENDMENT No. 21

That Section 110 of the Charter of Salinas, entitled "Regulations Subject to the Council's Approval", is repealed.

CHARTER AMENDMENT No. 22

That Section 112 of the Charter of Salinas, entitled "Undetermined Proceedings in the Police Court of Salinas City", is repealed.

CHARTER AMENDMENT No. 23

That Section 66 of the Charter of Salinas is amended to read as follows:

"Salaries and Bonds.

Salaries and bonds

"Sec. 66. The Council shall, by ordinance, determine the duties and fix the salaries or rates of compensation of all its appointees.

"The Council may require any officer or employee to give a bond for the faithful performance of his duty in such an amount as it may determine, and it may provide that the premium thereof shall be paid by the city."

CHARTER AMENDMENT No. 24

That Section 9 of the Charter of Salinas is amended to read as follows:

"Compensation.

"Sec. 9. Members of the Council shall receive as compensation for their services a monthly salary of one hundred dollars each, excepting the Mayor, who shall receive as compensation for all services rendered by him, a monthly salary of two hundred dollars." Compensation

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the city of Salinas to be affixed hereto, this 10th day of June, 1957.

ALVA D. ANDRUS
(SEAL) Mayor of the city of Salinas
F. E. HEPLE
City Clerk of the city of Salinas

and

WHEREAS, The said proposed amendments to the Charter of the city of Salinas so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all Members elected to each House voting for the adoption of this resolution and concurring therein, That the said amendments to the charter of the City of Salinas herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Salinas, be and the same are hereby adopted as a whole for and as amendment to the said charter of the City of Salinas. Approval

CHAPTER 345

Senate Joint Resolution No. 14—Relative to payments in lieu of taxes to counties containing large areas of federally owned land.

[Filed with Secretary of State, June 24, 1957.]

WHEREAS, The Federal Government owns approximately 47 percent of the total land acreage in California; and

WHEREAS, Counties in which national forests are located receive annually 25 percent of the revenue received; and

WHEREAS, Mono County, which has by far the largest acreage of federally owned forest lands of any county in this State, having 771,587 acres in the Inyo National Forest and 378,601 acres in the Toiyabe National Forest, all of which are withdrawn from the tax rolls of the county, received only $15,774.90 as such 25 percent payment in the Fiscal Year 1955-56; and

WHEREAS, These two national forests are comprised primarily of watershed lands and do not and will not produce revenues to any large amounts as do national forests primarily comprising commercial timber; and

WHEREAS, In the instance of Mono County, in excess of 400,000 vacationists visit the Inyo and Toiyabe National Forests for fishing, hunting, general recreation, and other uses every year. This influx of people creates sanitation, police, and other problems for the local residents and taxpayers of Mono County; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take such action as may be required to insure that a thorough study be made to determine the amounts to be apportioned to counties in which exist large areas of federally owned land and which place additional burdens of local governmental services on account of such federal ownership; and be it further

Resolved, That the Secretary of the Senate is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Agriculture.

CHAPTER 346

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XXVI thereof a new section to be numbered 5, relating to the issuance of bonds for street and road purposes.

[Filed with Secretary of State, June 24, 1957]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1957 Regular Session commencing on the seventh day of January, 1957, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 5 to Article XXVI thereof, to read:

SEC. 5. The Legislature may provide for the issuance and sale of bonds by the counties, cities, cities and counties, or separation of grade districts, the proceeds of which shall be used for the street and road purposes specified in Section 1 of this article, and may provide for the repayment of the principal, interest, and expenses incurred in connection with the issuance and sale of such bonds out of money collected from taxes specified in Section 1 of this article.

The Street and Road Bond Act of 1957 (Division 3.5 (commencing at Section 2220) of the Streets and Highways Code), enacted at the 1957 Regular Session of the Legislature, is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective.

CHAPTER 347

Senate Concurrent Resolution No. 136—Relative to congratulating Sisters of Mercy on the 100th anniversary of their settlement in Sacramento.

[Filed with Secretary of State, June 24, 1957.]

WHEREAS, It has come to the attention of the Legislature that preparations are presently being made to celebrate on October 2, 1957, the 100th anniversary of the coming of the Sisters of Mercy to Sacramento; and

WHEREAS, A little band of five Sisters, headed by Mother Baptist Russell, were the pioneers who blazed the trail which the Sisters of this diocese have so faithfully followed for nearly a century; and

WHEREAS, Under the direction and leadership of Mother Russell, these genteel women laid the foundation for an organization dedicated to the cause of learning, unable to resist the call of charity, devoted to the care of the sick, and zealous in sheltering the homeless; and

WHEREAS, During this 100 years of unerring labor among the people of the Sacramento area, the Sisters of Mercy have sought no personal acclaim but in humility and simplicity have sought only to serve; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature extend to the Sisters of Mercy congratulations on the occasion of their 100th anniversary; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Most Reverend Joseph McGucken, Bishop of Sacramento, to Sister Mary Rita, Mother General at Auburn, California, and St. Joseph's Convent at Sacramento, California.

CHAPTER 348

Senate Joint Resolution No. 39—Relative to a study and consideration of legislation pertinent to a plan or plans to benefit the domestic gold industry.

[Filed with Secretary of State, June 25, 1957.]

WHEREAS, In 1934, with the passage of the United States Gold Act and the creation of the International Monetary

Fund, the gold standard was abolished and restrictions were placed on the possession and use of gold, a development which seriously threatened its historic mission as the bulwark of our monetary system; and

WHEREAS, The price of gold was fixed at thirty-five dollars ($35) per fine ounce, which price has remained stationary, in spite of the fact that greatly increased costs of gold production in the United States has brought about a serious deterioration of our domestic straight gold-mining industry, with 95 percent of the mines forced to close because of the continuance without modification of the aforesaid unrealistic price established for gold by the Federal Government; and

WHEREAS, This situation has also resulted in the lifting of safeguards inherent in the gold standard, which safeguards were designed to prevent manipulation of credit and inflationary practices; and

WHEREAS, The basic problem is to develop a method to augment our gold reserves, and encourage a market for currently produced domestic supplies of this commodity, recognizing that the rescission of the United States Gold Act of 1934, or the setting of another and higher arbitrary price for gold, would not be the answer to provide the assistance which is critically needed by the gold mining industry; and

WHEREAS, Several plans, including the so-called "Beam Plan," offer potentials for domestic gold production by proposing, among other ways, that the United States Mint receive gold for processing as now, but that its return in kind to the offeror thereof, be characteristically stamped for gold content, rather than by value; and

WHEREAS, Any plan or plans of this character made applicable only to newly mined gold would permit the use of the returned product received from the United States Mint available for use on an open market, and would thereby aid in restoring the law of supply and demand for gold as a commodity; and

WHEREAS, Such action could aid in placing the gold commodity on a realistic use for private industry and the arts through an open market supply, rather than through purchases from the United States Treasury Department; and

WHEREAS, The request of the gold-mining industry for some basic change will terminate the present restrictive and discriminatory policy against those who produce gold as the one commodity; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be, and it is hereby, memorialized to provide ways and means for a complete study of plans or procedures, including the "Beam Plan," to form the basis for a more hopeful outlook for our domestic gold-mining industry through sound and adequate legislation; and be it further

Resolved, That a duly certified copy of this resolution be transmitted to the Speaker of the House of Representatives, to the President of the United States Senate, to the Chairmen of the Banking and the Currency Committees of the Congress, and to the Senators and the Congressmen from the several gold-producing states.

CHAPTER 349

Senate Concurrent Resolution No. 34—Relative to the creation of the Joint Judiciary Committee on Administration of Justice.

[Filed with Secretary of State, June 25, 1957.]

WHEREAS, Delays in litigation, particularly in certain metropolitan areas, have resulted in public criticism of our court system; and

WHEREAS, Since our present system of procedure was adopted the State has experienced an unparalleled growth of population, business, and industry, with a consequent change in the nature, intensity, and complexity of social, economic, and legal problems with which the public and the courts are confronted; and

WHEREAS, Major reforms and changes in the judicial system of this State are required to remove the causes of delay in the administration of justice and to increase the efficiency of our trial and appellate courts; and

WHEREAS, A thorough study and investigation of such matters is required in order to prepare and enact adequate legislation to solve these problems; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Judiciary Committee on Administration of Justice is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the judicial system of this State for the purpose of improving the efficiency of trial and appellate courts and expediting the administration of justice, and including the organization and operation of the courts, revision of trial court practice, revision of criminal procedure, and completion of the revision of appellate court procedure, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of the members of the Senate Standing Committee on Judiciary and an equal number of members of the Assembly Standing Committee on Judiciary appointed by the chairman thereof. Vacancies occurring in the

membership of the committee shall be filled by the appointing power.

3. The State Bar of California and the Judicial Council are hereby requested to assist and cooperate with the committee under the committee's direction in the investigation and study of the present system of court organization and procedure in the State and to formulate and propose recommendations to the committee for the reorganization and modernization of the system of court organization and of practice and procedure therein.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1959 Regular Session, with authority to file its final report not later than the tenth legislative day of that session.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, including law schools, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 350

Senate Concurrent Resolution No. 135—Relative to the death of John Harold Swan.

[Filed with Secretary of State, June 25, 1957.]

WHEREAS, The Legislature has learned with sadness of the untimely passing of John Harold Swan, a member of the State Senate from the Nineteenth District from 1940 to 1944; and

WHEREAS, The career of John Harold Swan was one dedicated to public service in the truest sense, and was marked by a continued effort to improve educational facilities in this State and by direct participation in the administration of our Public Schools System; and

WHEREAS, He was ever conscious of the duty of a citizen to share in the responsibilities of government through active interest in the political affairs of the State; and

WHEREAS, His devotion to the public welfare was demonstrated not only by his service in the Senate of the State of California, but also by his service as a member of the State Board of Education and the Law Revision Commission, by his long career as an instructor at the Sacramento Junior College, and by his able administration of the McGeorge College of law as dean of that institution; and

WHEREAS, Above all else, his life was devoted to self-improvement and the unending pursuit of knowledge, under conditions which often led him to personal sacrifices to obtain further education; and

WHEREAS, In recognition of his efforts, he was awarded the degrees of Bachelor of Arts, Master of Arts, and Bachelor of Laws by the University of California, and the degree of Master of Laws by McGill University in Toronto, and his unquenchable thirst for knowledge led him to further advanced studies in law at The Hague, Geneva and Florence; and

WHEREAS, During his busy life as a student, teacher and as a citizen devoted to public affairs, John Harold Swan never lost touch with his fellow man, and was always ready to help and aid others to attain success and was always ready to extend to youth his guidance as a teacher, friend, and counselor, all of which attributes gave him an element of greatness uncommon among men; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature express their profound regret at the passing of John Harold Swan, and convey their heartfelt sympathy to the members of his family in their great loss; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to his daughter, Catherine Swan, his mother, Mrs. Maria D. Swan, and to his brothers, Harmon Swan and Newell Swan.

CHAPTER 351

Senate Concurrent Resolution No. 138—Relative to the death of Byron F. Vandenberg, Jr.

[Filed with Secretary of State, June 25, 1957.]

WHEREAS, The Members of the Legislature have learned with deep regret of the death of Byron F. Vandenberg, Jr., a civic leader in the City of Sacramento, and vice president of the Bank of America and manager of its Sacramento main office; and

WHEREAS, Mr. Vandenberg had devoted nearly 38 years to a career in insurance and banking in Sacramento, which began after World War I, in which he served as an aviator and received his training at Mather Air Force Base; and

WHEREAS, Byron F. Vandenberg, Jr., was active in civic, social, and golfing affairs, was a member of many organizations, and took part in many community activities, including Boy Scout work, the Sacramento Heart Association, the Sacramento Cancer Society, and the United Crusade; and

WHEREAS, His death has deprived the City of Sacramento and the State of an outstanding civic leader and public spirited citizen; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature hereby express their grief at the death of Byron F. Vandenberg, Jr., and extend to his family and friends their most sincere sympathy; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Mrs. Jeanette Peltier Vandenberg, widow of Byron F. Vandenberg, Jr., and to John B. Vandenberg, his son.